

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF GEORGIA  
ATLANTA DIVISION

UNITED STATES OF AMERICA )  
 )  
 Plaintiff, )  
 )  
 v. ) CRIMINAL ACTION FILE  
 ) NO. 1:06-CR-147-WSD-2  
 )  
 ) ATLANTA, GEORGIA  
 EHSANUL ISLAM SADEQUEE (2) )  
 )  
 Defendants. )  
 )

TRANSCRIPT OF PROCEEDINGS  
BEFORE THE HONORABLE WILLIAM S. DUFFEY, JR.,  
UNITED STATES DISTRICT JUDGE, AND A JURY

VOLUME 4  
Friday, August 7, 2009

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1 Friday Morning Session

2 August 7, 2009

3 9:02 a.m.

4 -- -- --

5 P R O C E E D I N G S

6 -- -- --

7 (In open court without a jury present:)

8 THE COURT: Good morning, everybody. Is there  
9 anything we need to discuss before we bring the jurors in?

10 MR. McBURNEY: Two very brief matters, Judge.

11 One, and I'm handing a copy to Ms. Birnbaum what we  
12 electronically filed last night but I'm giving you a hard  
13 copy, a supplemental proposed jury charge.

14 It's something you actually received back when we  
15 were discussing the preliminary instruction. It's our  
16 perspective on the First Amendment issues that the defendant  
17 has raised. I have also given a hard copy to the  
18 defendant.

19 And number two, Agent Allen, who has already  
20 testified and was subject to recall by the defendant, he had  
21 asked that he be made available, Agent Allen needs to fly to  
22 a training class tomorrow.

23 And I have asked the defendant if he's willing to  
24 release Agent Allen based on how the trial has progressed.  
25 He told me just before you came in yes, but I want to get on



1 the record that Agent Allen is in fact released.

2 THE COURT: Do you have any objection,  
3 Mr. Sadequee, to releasing Agent Allen?

4 MR. SADEQUEE: No objection.

5 THE COURT: Then he's released.

6 MR. McBURNEY: That's all, thank you.

7 THE COURT: Anything from the defense?

8 MR. SADEQUEE: No.

9 THE COURT: All right. Can we bring the jurors in,  
10 please?

11 Are witnesses sequestered in our case?

12 MR. WAHID: They are. The witnesses are all  
13 together.

14 THE COURT: But have defense witnesses been in the  
15 courtroom?

16 MR. WAHID: No.

17 MR. SAMUEL: No.

18 MR. McBURNEY: We discussed that. After the first  
19 couple of witnesses we realized that. We spoke with  
20 Mr. Sadequee, and since then as far as we can tell the answer  
21 is there has been no issue.

22 THE COURT: Okay. Thank you.

23 (In open court with a jury present:)

24 THE COURT: Good morning, ladies and gentlemen. I  
25 hope you had a good evening.



1           You may recall last night we were in the midst of  
2           hearing from Mr. Cengic, who is still with us again this  
3           morning. If you will please come forward with the  
4           Interpreter?

5           THE WITNESS: Good morning.

6           THE INTERPRETER: Good morning, Your Honor.

7           THE COURT: Good morning.

8           I will just remind you that you are still under  
9           oath.

10          THE WITNESS: Yes, sir.

11          THE COURT: Let's continue, Mr. McBurney.

12          MR. MCBURNEY: Thank you, Judge.

13                       -- -- --

14                       ANES CENGIC

15           being previously duly sworn by the Courtroom Deputy,  
16           testifies and says further as follows:

17                       -- -- --

18                       DIRECT EXAMINATION (Continued)

19          BY MR. MCBURNEY:

20          Q. You are dressed a little differently this morning. Are  
21          you going somewhere this morning?

22          A. Yes. I am going back to my home, Bosnia.

23          Q. Okay. One thing I want to talk about before we get back  
24          to the pictures, you mentioned yesterday a nickname of  
25          Mirsad Bektasevic. Do you remember that?



1 A. Yes, I remember.

2 Q. I have written up on Government's Exhibit 1 on page six  
3 Mirsad Bektasevic and then the name Maximus. Is that one of  
4 the monikers or nicknames you shared with the jury?

5 A. Yes.

6 Q. Okay. Now, back to the pictures.

7 Are they in front of you?

8 A. No pictures.

9 Q. While he's getting them, let's put up 201, please.

10 Sir, you described two searches that occurred after the  
11 defendant was arrested. Which location is shown in  
12 Government's Exhibit 201?

13 A. This is in the street called Boligan Skiva (sp.)\* where  
14 we did the first search.

15 Q. This is where you actually arrested the defendant -- I'm  
16 sorry, I said defendant -- Mirsad Bektasevic, so we are  
17 clear?

18 A. Yes, that's correct.

19 Q. But is it a multifamily house?

20 A. It's a house with two apartments.

21 Q. Which floor was Bektasevic's apartment?

22 A. On the ground floor.

23 Q. Okay. 202, please.

24

25 

---

\* (sp.) Indicates phonetic spelling.



1           This is a photograph of which room?    You described that  
2   there was a room to the left and to the right as you got  
3   through that little hallway.   Which room?

4   A.    That's showing the left side where we cuffed  
5   Mr. Bektasevic on the left side.

6   Q.    There are a number of items on the ground to include  
7   some cards that have numbers on them, 1, 2, 3, 5 we see  
8   here.   Were those cards with numbers in the room when you  
9   first got there?

10   A.   No, that's the police numbers that we put as part of our  
11   investigation.

12   Q.    But everything we see on the floor, the white plastic  
13   bag, this black bag to the left, the one near it, were all  
14   those objects there when you got there?

15   A.    Also those includes some parts of evidence we found at  
16   Bektasevic's pocket that we pulled out.   But some of them  
17   were already there when we arrived.

18   Q.    Okay.   And specifically to your first point, would it be  
19   the objects near the card with the 2 on it that were from  
20   Bektasevic's pockets?

21   A.    That's correct, the No. 2.

22   Q.    Can you magnify, if you could enlarge around 2?

23   A.    And also part of his belongings are under No. 5.

24   Q.    Okay.   Well, let's focus on No. 2.   What are the three  
25   objects that I'm circling with the laser pointer here?



1 A. That's three bullets I found in his front pocket of his  
2 pants.

3 Q. And then it looks almost like an audio cassette to the  
4 upper right of the bullets. What was that?

5 A. Actually it's a video cassette, eight millimeters.

6 Q. The one you mentioned earlier that you found on  
7 Bektasevic?

8 A. Yes, in his last pocket.

9 Q. Let's go to 203, please?

10 This is a close-up of the white bag that was next to  
11 Card No. 3 from the preceding picture. What is in this bag?  
12 It's a little hard to tell in this lighting, but what's in  
13 the bag? What did you find in the bag?

14 A. That's an explosive, about five kilos.

15 Q. Five kilograms of explosives?

16 A. Yes.

17 Q. 204?

18 We are still in the same room, the room to the left?

19 A. Yes.

20 Q. What did you find in the bag that is shown in  
21 Photograph 204?

22 A. Okay. At that bag we found the belt with some  
23 projectile bullets and an initiator capsule or --

24 Q. Detonator?

25 A. Detonators.



1 Q. 205, please?

2 Same bag?

3 A. Yes, that's what we found in it.

4 Q. Okay. This is the belt you were talking about that has  
5 the three brownish cylinders taped to it?

6 A. And also the detonator on the side.

7 Q. The detonator is the metal rod with the yellow and red  
8 wires coming out of it?

9 A. Yes, that's correct.

10 Q. The three brownish cylinders taped to the belt, what are  
11 those?

12 A. That's a plastic explosive, military plastic explosive,  
13 with already prefabricated holes that you can put an  
14 initiator, the detonator.

15 Q. So if we look at the brown cylinder, plastic explosives  
16 that is rightmost in this photograph, that white circle is  
17 where the detonator could be put in?

18 A. That's correct.

19 Q. 206, please?

20 Is that the same bomb belt, just after you all had moved  
21 it?

22 A. Yes, that's the same belt just from a different angle.

23 Q. 207?

24 Now, you described that there was a room to the right  
25 where I think you said his name was Cesur was arrested, the



1     guy who had the gun. Is this the room to the right?

2     A.    Yes, that's correct. Cesur, Abdulkadir.

3     Q.    Same question about cards with numbers, there is a 7, an  
4     8 and a 9. Were those things that the police put in after  
5     you got there?

6     A.    That's correct, 7, 8 and 9.

7     Q.    Let's look at 208, which is a close-up of what was where  
8     7 is.

9           What's sitting on the couch?

10    A.    It's a handgun, Browning with a silencer.

11    Q.    209?

12           Is this the same gun?

13    A.    Yes.

14    Q.    The long black cylinder screwed onto the front of the  
15    gun, what is that?

16    A.    Silencer.

17    Q.    There is a magazine, meaning the thing that holds  
18    bullets in a gun. Did it have cartridges in it?

19    A.    Yeah. That's full with bullets.

20    Q.    Now, there is one bullet sitting all by itself on this  
21    table where you put the evidence. Why is it not in the  
22    magazine?

23    A.    Actually that was a bullet from the gun chamber ready to  
24    be used.

25    Q.    Are you familiar with how guns work through your twenty



1 years with the police in Bosnia?

2 A. Of course.

3 Q. Okay. What does it mean to have a bullet in the  
4 chamber? If you pull the trigger, what happens?

5 A. That person is ready to use it because it advanced  
6 against others who just came and tried to pull gun.

7 Q. Let's go to 210, please?

8 This is a close-up of another part of the same  
9 couch. What is this object? It's hard to see in the  
10 picture, and we will see it later. But if you know, what is  
11 this object that I'm circling? There is a red ball with  
12 looks like some metal hanging off of it?

13 A. That's a key chain with some keys.

14 Q. Did those keys go to this apartment that we are looking  
15 at?

16 A. No.

17 Q. Did they relate to the second apartment that you  
18 ultimately found in connection with Bektasevic?

19 A. Yeah. Actually that's the keys from the other apartment  
20 where actually those guys lived.

21 Q. 211, please?

22 What are we looking at here? What room is this?

23 A. The room on the right, that's a portion of the kitchen.

24 Q. So we have got an oven here and a sink over to the  
25 right?



1 A. Yes.

2 Q. Again there is a card with a number. That's a police  
3 card?

4 A. That's correct.

5 Q. We will zoom in a little with some other pictures, but  
6 what is this red sort of like a large salami, what is that?

7 A. This is also explosive, same as in the other room, this  
8 explosive.

9 Q. And there is a flattened set of explosives here. What  
10 is it that's flattened right there?

11 A. That's explosive, and also a wrap for that explosive  
12 they use.

13 Q. Let's look at 212.

14 Is that a close-up of what I just asked you about?

15 A. Yes, but now we can clearly see the other portion of  
16 explosive at the top.

17 Q. The jurors will get these pictures and they are clearer  
18 up front, but this looks like plastic wrap with red clay or  
19 something on it. What is that?

20 A. Okay. Above we can see that's a plastic wrap. They  
21 unwrapped that explosive and put it aside. And on the bottom  
22 can you see that's actually military explosive because it was  
23 in that form because of not right packing.

24 Q. 213?

25 What is the object in the middle of the picture?



1 A. That's the knife they used to cut the explosive.

2 Q. There is something that looks a little bit like peanut  
3 butter on the blade. What is that?

4 A. Actually that's explosive when they cut through.

5 Q. 214?

6 This is a close-up of what I described as looking sort  
7 of like a salami on the floor of the kitchen area. What is  
8 this object?

9 A. That's actually explosive that they used that knife and  
10 cut.

11 Q. 215, please?

12 Are we still in the kitchen?

13 A. That's correct.

14 Q. This is an open refrigerator?

15 A. Yes.

16 Q. Did you find anything in the refrigerator?

17 A. You can see the No. 12, actually as I explained, all the  
18 explosives already cut, they put on plastic, and then kind of  
19 flatten them same as kind of pizza dough, and then wrap in  
20 plastic.

21 And we thought the idea is it's kind of easier to stick  
22 with your body when it's flat. That's what we thought. As  
23 they are prepared, they kind of stack on one another.

24 Q. The thing marked 12 is a stacked-up set of flattened  
25 explosives?



1 A. Yes. That spot is about I think ten to twelve kilos  
2 explosives already prepared.

3 Q. 216?

4 What is next to the card that says 14?

5 A. Well, that's a kitchen timer, but they use as a bomb  
6 timer.

7 Q. How can you tell? It looks just like an egg timer?

8 A. Looks like at first, but when our bomb squad did some  
9 expertise, they found it was prepared as a detonator, bomb  
10 detonator.

11 Q. 218?

12 It's a little dark there, but that's a close-up of  
13 what?

14 A. That's a video cassette they found on Bektasevic.

15 Q. Let's shift to the next search. 219?

16 What's this a picture of?

17 A. That's the place of the other search, the other  
18 apartment.

19 Q. The people gathered to the right, is that law  
20 enforcement?

21 A. Yes, on the right, on the right.

22 Q. Okay.

23 A. And on the left is the owner of the house and one of our  
24 investigators.

25 Q. 220?



1           If you could enlarge around -- what is shown in this  
2 picture?

3       A.     That's the key with the key chain we found at the first  
4 location with Bektasevic, and they match to this door from  
5 the second place.

6       Q.     Those keys unlocked the door to the building we just saw  
7 in Government's Exhibit 219?

8       A.     That's correct.

9       Q.     221?

10           What is shown here?

11       A.     After we entered that second location, we found the  
12 remainder of the stuff belonging to Mr. Bektasevic and  
13 Mr. Cesur.

14       Q.     I'm circling with the laser pointer a black and white  
15 circle. What was that?

16       A.     Actually that's tape they used to attach explosive to  
17 the bomb belt.

18       Q.     The belt we saw in the earlier pictures?

19       A.     That's correct.

20       Q.     There are two -- are those phones, what are those  
21 objects?

22       A.     Two-way radio.

23       Q.     Not talkie-walkie?

24           You described yesterday that you found I think the  
25 phrase was a phantom mask or a ski mask. Do you see those in



1 this picture?

2 A. Yes. On the left side of two-way radio and above  
3 two-way radio.

4 Q. Did you find anything, sir, in this apartment that  
5 connected it to Bektasevic or Cesur in any way besides the  
6 key that opened it?

7 A. Okay. We found some documents, we find some tickets,  
8 and also the owner of the house confirmed that they lived  
9 there.

10 Q. Thank you.

11 You should have in front of you maybe under some of  
12 those pages a CD, Government's Exhibit 200. That has on it a  
13 copy of what was on the tape.

14 Did you review what's on that disk with me earlier?

15 A. Of course, and before that maybe 150 times.

16 Q. But not with me.

17 Is what's on that CD a complete copy of what was on the  
18 cassette, the videotape that we saw in Government's Exhibit  
19 218?

20 A. That's correct, that's an exact replica.

21 MR. McBURNEY: Government tenders Exhibit 200.

22 THE COURT: Any objection?

23 MR. SADEQUEE: No.

24 THE COURT: It's admitted.

25 BY MR. McBURNEY:



1 Q. Can you briefly describe what's on the video? We are  
2 going to watch it in a minute. But can you briefly describe  
3 to the jury what's on this tape?

4 A. Okay. This video consists of three separate  
5 sections. It lasts about 28 minutes.

6 The first part is kind of a menu of how to make a  
7 bomb. You can see that somebody used that kitchen timer in  
8 this case in the shape of a lemon, not egg.

9 The second portion, there is some place, still unknown  
10 for us, where two guys with lots of guns on them make threats  
11 to different countries of terrorist attacks. You can see a  
12 lot of guns around them.

13 And also the third portion, we can see two guys in some  
14 wooded area where they prepare to set up some bomb trap, and  
15 one of them we later identified as Mr. Bektasevic.

16 And I just kind of want to do a clarification. When  
17 I mentioned about how to make a bomb in that sequence, of  
18 course, they didn't connect the detonator with bomb. They  
19 put a small light bulb. You can see the light, and that  
20 means it's working.

21 Q. Okay. And we will see pieces of the video in just a  
22 minute.

23 A question about the second segment you described where  
24 there is a speech, what language is the speech in?

25 A. English.



1 Q. Were you able to determine during the course of your  
2 investigation who gave the speech?

3 A. Yes. The sequence first and second we identified  
4 Mr. Bektasevic as the voice.

5 MR. MCBURNEY: If we could dim the lights, if  
6 that's all right? We are going to play -- and we will pause  
7 in a few places and I will ask you questions, but if we could  
8 start at the beginning? We are going to pause at one minute.

9 (A video file is presented.)

10 BY MR. MCBURNEY:

11 Q. This is the lemon timer you are talking about?

12 A. That's correct.

13 Q. And the individual holding the timer wearing the mask,  
14 is that Bektasevic?

15 A. No. Actually Bektasevic is taping this.

16 Q. Did you ever determine who it is wearing a mask holding  
17 the timer?

18 A. I think we didn't do that yet, but we are pretty close.

19 MR. MCBURNEY: The audio is not working? I just  
20 need to know, there is no audio right now?

21 MS. CASPERSON: Sorry.

22 BY MR. MCBURNEY:

23 Q. During that segment we just saw, was there much speaking  
24 or was it primarily the gentleman working on the lemon?

25 A. There are some sounds, but he's working on that timer.



1 Q. Can we skip to two minutes fifteen seconds, please?  
2 That's fine.

3 THE COURT: Is it possible to listen -- just put  
4 the microphone on your table close to the speaker on the  
5 computer and we can listen to the audio that way?

6 BY MR. McBURNEY:

7 Q. What was just said?

8 A. Allah, he's the biggest.

9 Q. What are we shifting to now?

10 A. Now we have different -- now they use just the clock to  
11 use as an initiator for the bomb.

12 Q. Same individual with the mask, but now working on a  
13 clock?

14 A. Yes, it's the same film, just different object that he  
15 has.

16 Q. Is this location where the film is being made either of  
17 the two apartments we just talked about?

18 A. No, this is still unknown for us, but we are  
19 investigating it.

20 MR. McBURNEY: All right. If we could pause please  
21 and move forward to fifteen minutes and thirty seconds?

22 BY MR. McBURNEY:

23 Q. We are skipping over about ten minutes' worth. Does  
24 this continue for a while, the work on the clock?

25 Is that yes?



1 A. Yes, actually they show all the procedure how to make a  
2 bomb.

3 Q. You say make a bomb. Is it the bomb or the detonator  
4 timer part?

5 A. As I mentioned just in this case that the light bulb  
6 symbolized explosion, but they show the procedure, how it  
7 worked.

8 Q. Okay. Please play.

9 What's the noise in the background?

10 A. We are not sure. It's kind of religious -- we are not  
11 sure if it's music or some kind of religious praying. We are  
12 not sure.

13 Q. Now, there are two objects in the gentleman's hand who  
14 has been wearing this mask. What are those two objects? We  
15 will see them a little closely in a few minutes. The  
16 lighting is poor.

17 A. In one hand is the religious book, Quran. The other one  
18 is a handgun.

19 I'm not sure it's the Quran. The book is too thin for  
20 that, but it's a religious book.

21 Q. Is that the gun in his hand?

22 A. That's correct.

23 Q. That's that same lemon?

24 A. That's correct.

25 Q. All right. Let's pause for a moment.



1           We have now shifted scenes. Do you know where this  
2           location is as shown on the screen at 19:39 in this video you  
3           found in Bektasevic's pocket?

4           A. We only know that's nearby Sarajevo in the  
5           mountains. That's all we know.

6           Q. Not a location you found yet?

7           A. No.

8           Q. It's a little hard to tell because it's dim lighting.  
9           There is a person on the right. Is there another person on  
10          the screen right now?

11          A. Yeah, actually there are two persons. Actually there is  
12          two persons inside, but one is taping this.

13          Q. Sure. The top button on that I think makes a laser beam  
14          come out. If you could point on the screen at 19:39 where  
15          the second person is?

16          A. (Witness complies with request.)

17          Q. You said a third person is holding a camera. Are either  
18          of the persons wearing the masks Mirsad Bektasevic?

19          A. No.

20          Q. Okay. If we could play, please?

21                 What's around his waist?

22          A. That's the bomb belt, but a different one.

23          Q. If you could pause for a second?

24                 What's the yellow object?

25          A. It's the clock mechanism we saw on our prior videos.



1 Q. The earlier video?

2 A. That's correct.

3 Q. A quick question about both the segments we saw about  
4 making the timer.

5 What does it signal when the light goes off? Not  
6 meaning what's the symbolism, but what does it tell you about  
7 the mechanism they designed?

8 A. That it's functioning.

9 Q. Okay. Keep playing, please.

10 Pause for a second.

11 We just missed it, but there were a bunch of wires  
12 attached to metal rods. What were those?

13 A. Detonators, more of them.

14 Q. Okay.

15 (Spoken on the video:

16 Allahu Akhbar. Here the brothers are  
17 preparing for their attacks. They are showing us  
18 the stuff they've gotta use for the attack. These  
19 brothers are prepared to attack and, insha'Allah,  
20 they will attack Al-Qufar who are killing our  
21 brothers and Muslims in Iraq, in Afghanistan,  
22 Shishan and in many other countries. These weapons  
23 gonna -- gonna be used against Europe, against  
24 those who has -- have their forces in Iraq and in  
25 Afghanistan.



1                   *These two brothers, they sold their lives to*  
2                   *please Allah, to help their brothers and sisters.*  
3                   *They are Muslims.*

4                   *The Allies are coming. They are ready to*  
5                   *attack. So don't -- don't think we are -- we have*  
6                   *forgotten you. We are here and we are planning,*  
7                   *and we have everything prepared. This is a message*  
8                   *for you.)*

9 BY MR. MCBURNEY:

10 Q.    Can you pause it, please?

11           Who spoke those words about we are planning, we have  
12 everything prepared, you are not forgotten?

13 A.    That's the voice of Mirsad Bektasevic.

14 Q.    You should have in front of you Government's Exhibit  
15 200-A. It's two pieces of paper stapled together.

16           We again are having some technical difficulties with our  
17 programming, so some of the words of that transcription were  
18 cut off.

19           Is Government's Exhibit 200-A -- what is that?

20           THE INTERPRETER: It's English, I'm not sure he's  
21 able to --

22 BY MR. MCBURNEY:

23 Q.    Did you review this before in connection with what it is  
24 that Bektasevic said in his speech?

25 A.    Yeah, that's his speech we heard.



1 Q. This is a transcription of what he said?

2 A. Yes, the transcription of his speech.

3 MR. McBURNEY: The government tenders 200-A.

4 THE COURT: Any objection?

5 MR. SADEQUEE: No.

6 THE COURT: It's admitted.

7 BY MR. McBURNEY:

8 Q. Sir, did law enforcement ever recover the camera that  
9 was used to take these videos?

10 A. Yes. In our search we found that camera.

11 Q. Where?

12 A. At his aunt's house or his auntal house?

13 Q. Whose aunt's house?

14 A. Mr. Bektasevic's aunt.

15 Q. If we could play this last segment? And before we  
16 start, where are we in this video?

17 A. We think that's in the mountains nearby Sarajevo.

18 Q. But you were never able to determine the exact location?

19 A. We made search, but we actually didn't confirm the  
20 actual location.

21 Q. Okay. Can you pause it?

22 What is it that they are attaching to the tree or post  
23 with that black tape?

24 A. That's a hand grenade we saw in our prior videos and our  
25 pictures.



1 Q. And what's about to happen?

2 A. You know, when they attached it to the tree, they put  
3 wire connected with a ring, pulling ring to activate the  
4 bomb.

5 For example, if somebody passed by and pulled that wire,  
6 they have an explosion. For a second you could see that wire  
7 actually.

8 MR. MCBURNEY: Okay. We can stop there.

9 BY MR. MCBURNEY:

10 Q. Does the video go further or is that the end?

11 A. That's the end.

12 Q. There was one individual in that scene involving the  
13 grenade being taped to the tree and the wire who is wearing a  
14 white head wrap. Was that white head wrap ever recovered?

15 A. Actually that was Mr. Bektasevic, and we found that  
16 white wrap, because we did expertise and we found DNA in some  
17 hair on it.

18 Q. We discussed yesterday how you found several cell phones  
19 and several SIM cards in the first apartment you searched  
20 where Bektasevic was arrested.

21 A. Yeah, that's correct. We found two phones and a few  
22 cards.

23 Q. Can you tell the jurors what a card -- a SIM card is?

24 A. The purpose is you can buy them at the post office, you  
25 can use the same phone, but with a different SIM card is a



1 different number. It's a very small unit that can be put in  
2 it, the cell phone.

3 Q. Inside the phone?

4 A. Yes.

5 Q. It tells the phone what phone number that phone now has?

6 A. That's it, because you can see from that SIM card what  
7 number, phone number it belongs to.

8 Q. You should have Government's Exhibit 193 in front of  
9 you. Do you see that?

10 Do you recognize that phone number?

11 A. That's one of the numbers, what Mr. Bektasevic used on  
12 his phone.

13 MR. MCBURNEY: The government tenders 193.

14 THE COURT: Any objection?

15 MR. SADEQUEE: No objection.

16 THE COURT: It's admitted.

17 MR. MCBURNEY: Can we put up 193, please?

18 BY MR. MCBURNEY:

19 Q. Now, so we are clear, this is just a piece of paper that  
20 has that phone number on it; correct?

21 A. Yes, that's the phone number.

22 Q. It's not a piece of paper you recovered from  
23 Bektasevic?

24 A. We wrote that number.

25 Q. Okay. Tell the jurors how -- you mentioned this is a



1 number that Bektasevic used. How do you know that this was a  
2 number he used as opposed to Cesur or someone else?

3 A. Number one, we found the phone with this card in it.

4 Second, he confirmed that that was his phone number.

5 And also through confirmation from the post office and  
6 also a person whom he contacted, that confirmed actually  
7 that's his number.

8 Q. I want to break the number down into its parts.

9 387 is what?

10 A. That's Bosnian calling number.

11 Q. Country code?

12 A. Yes.

13 Q. 62?

14 A. That shows it's a cell phone number.

15 Q. So the actual number for this SIM card or if the card  
16 was in a phone for that phone is what set of digits?

17 A. 103592.

18 Q. If you would look at Government's Exhibit 222, please?

19 Do you recognize that? It's not going to be on the  
20 screen for a minute.

21 A. When we took the phone and that SIM card from  
22 Bektasevic, we do a checkup and reading the numbers from that  
23 card. That's the numbers he called from his cell phone, and  
24 of course the last dialed number. That's the last number he  
25 called from that phone.



1 Q. So the SIM card has memory in it?

2 A. Yes, both the phone itself and the memory -- and the SIM  
3 card has memory in it.

4 Q. And the SIM card retains the last few numbers that the  
5 user of that card and thus phone dialed?

6 A. Both ways, if he called somebody or somebody called him,  
7 you can see the last numbers.

8 Q. Okay. And you are saying that law enforcement performed  
9 the analysis to extract the last called numbers, the last  
10 dialed numbers from the SIM card that was associated with  
11 103592, Bektasevic's number?

12 A. Yeah, that's correct.

13 Q. Is Government's Exhibit 222 an exact replica of the  
14 analysis, the original analysis that law enforcement  
15 performed?

16 A. That's correct.

17 MR. McBURNEY: Government tenders 222.

18 THE COURT: Any objection?

19 MR. SADEQUEE: No objection.

20 THE COURT: It's admitted.

21 MR. McBURNEY: If we could publish 222, please, and  
22 magnify? Great.

23 BY MR. McBURNEY:

24 Q. What's the date of the analysis?

25 A. You can see, October 19, 2005. That's immediately after



1 we did the arrest.

2 Q. The same day you arrested Bektasevic?

3 A. That's correct.

4 Q. And the number here, it looks different from what we saw  
5 on 193, 202012. Is this effectively the same number as the  
6 number we saw on 193?

7 A. Actually that's the serial number of that card. Of  
8 course, you know, each of those SIM cards has a serial  
9 number, like every gun as a serial number. It's the serial  
10 number of that SIM card.

11 Q. Does the serial number contain within it the six-digit  
12 number that you described as the phone number for  
13 Bektasevic?

14 A. Yes.

15 Q. You have the little laser pointer there, you can show  
16 the jurors where?

17 A. 103592.

18 Q. This list is of what numbers?

19 A. That shows phone numbers. Of course, before that you  
20 can see kind of serial numbers for postal area.

21 Q. Like the country code?

22 A. It's different. It's the serial number of that product  
23 or that card.

24 Q. Oh, for the SIM card number?

25 A. Yes.



1 Q. Okay. My questions now are about the last dialed  
2 numbers. There are three phone calls, 4, 5 and 6, all to the  
3 same number. What is the country code for these three phone  
4 calls?

5 A. When we did our investigation, we found it's  
6 Bangladesh. 0045 belongs to Danish, Denmark. 381 under  
7 No. 11 belongs to Serbia.

8 Q. And 880?

9 A. As I remember, during our investigation, we found that  
10 it's the country number for Bangladesh.

11 Q. Thank you.

12 MR. MCBURNEY: Thank you, sir.

13 THE COURT: Mr. Sadequee?

14 -- -- --

15 CROSS-EXAMINATION

16 BY MR. SADEQUEE:

17 Q. Good morning.

18 THE COURT: He said good morning.

19 A. Good morning.

20 Q. When was Mirsad arrested?

21 A. October 19, 2005.

22 Q. And has he been to trial?

23 A. Yes.

24 Q. What was he charged with? What were the charges  
25 against him?



1 A. Preparation of terroristic attack.

2 Q. And was he convicted of that?

3 A. Yes.

4 Q. Do you know the names of the individuals in the video?

5 A. No.

6 Q. When was his trial?

7 A. Bektasevic?

8 Q. Yes.

9 A. 2006, in 2006.

10 Q. 2006, about a year after his arrest?

11 A. Approximately six months after arrest, we started with  
12 court proceeding, and then it lasted.

13 Q. Bosnia in the 1990s was a major war zone; correct?

14 A. Actually in area Yugoslavia had a war from '90 to 1995.

15 Q. To this day there is still a lot of ethnic conflict in  
16 the Bosnia and Serbia area; right?

17 A. No.

18 Q. Not war, but there is ethnic tensions?

19 A. Not really. It's mostly political games.

20 Q. If someone wanted to get weapons in Bosnia for whatever  
21 purpose, would that be relatively easy?

22 A. Today or --

23 Q. For example, compared to the U.S. or Canada or western  
24 countries, in a former war zone?

25 A. I think it's easier found here in America than over



1     there.

2     Q.     It's harder to get weapons in Bosnia?

3     A.     The war stopped fifteen years ago.

4     Q.     The war has stopped, I understand. But are weapons  
5     easily available?

6     A.     No. At this moment, no. From 1995 to 1998 or maybe  
7     2000, yes. But after that, no.

8     Q.     Muslims from all of the Muslim world went over to Bosnia  
9     during the Bosnian War?

10    A.     I'm Muslim. I live in Bosnia. I was born in Bosnia.

11    Q.     I'm saying during the Bosnian War, Muslims from the Arab  
12    world and other portions of the Muslim world, they went to  
13    Bosnia to fight; correct?

14    A.     Of course, same as Russia on the Serb side,  
15    yes. I wouldn't say a lot, but a couple thousand, yes.

16    Q.     And there is still -- is there NATO forces present in  
17    Bosnia or Serbia today?

18    A.     Yes, they are still present.

19    Q.     These are peace-keeping forces?

20    A.     No. They are just actually a supervisor for our army,  
21    because we expect in the next couple years we are going to  
22    become part of NATO. This is just the process.

23    Q.     After the Bosnian War, there were -- after the  
24    Bosnian War came to an end, there was NATO forces,  
25    peace-keeping forces there?



1 A. Yes, I think from 1995 until 2004, NATO forces from  
2 different countries were present.

3 Q. 2004, a year prior to the arrest of Mirsad?

4 A. Approximately.

5 Q. Are you aware of how often Mirsad, Mr. Bektasevic,  
6 traveled to Bosnia or Serbia?

7 A. Pretty rare, because at the moment of his arrest he was  
8 just I think 18 to almost 19. Because until that he traveled  
9 with his mother, and actually I think that's the first time  
10 he traveled on his own.

11 Q. There was others who traveled with him to Bosnia along  
12 with him?

13 A. At this moment he came by himself.

14 THE COURT: Can I just clarify one thing? I don't  
15 know if you are talking about days or age. You said 18?

16 THE INTERPRETER: Yeah, his 18th birthday or 19th  
17 birthday. He was young and was unable to travel on his own.

18 THE COURT: Thank you.

19 MR. SADEQUEE: Thank you.

20 THE COURT: All right. Any redirect?

21 MR. McBURNEY: No, sir.

22 THE COURT: Does anybody want Mr. Cengic subject to  
23 recall?

24 MR. McBURNEY: No, thank you.

25 MR. SADEQUEE: No.



1 THE COURT: We appreciate very much your testimony,  
2 we appreciate you coming from Bosnia, have a good trip back.  
3 We appreciate your testimony. You are excused.

4 THE WITNESS: Thank you very much.

5 THE COURT: You are welcome.

6 THE WITNESS: Am I free to go?

7 THE COURT: You are. I would hurry.

8 THE INTERPRETER: May I be excused, Your Honor?

9 THE COURT: Yes, you are excused.

10 I'm assuming we do not have any Bosnian-speaking  
11 witnesses?

12 MR. MCBURNEY: None planned.

13 THE COURT: All right. Call your next witness.

14 MS. COLLINS: The government calls  
15 Richard Dearsley.

16 THE COURT: If you will come forward and stand in  
17 the witness box, I will have you sworn in.

18 -- -- --

19 RICHARD DEARSLEY

20 being first duly sworn by the Courtroom Deputy, testifies and  
21 says as follows:

22 -- -- --

23 DIRECT EXAMINATION

24 BY MS. COLLINS:

25 Q. Good morning.



1 A. Good morning.

2 Q. Could you please state your name and spell your last  
3 name for the court reporter?

4 A. My name is Richard Dearsley, I'm a detective sergeant  
5 from --

6 Q. Before you begin, can you spell your last name for the  
7 record, please?

8 A. It's D-e-a-r-s-l-e-y.

9 Q. Okay. Mr. Dearsley, in what country do you live?

10 A. I live in England.

11 Q. And what is it that you do for a living in England?

12 A. I'm a detective sergeant on the Counter-Terrorist  
13 Command at New Scotland Yard.

14 Q. And what agency is the Counter-Terrorism Command with?

15 A. It's a police agency, it's the Metropolitan Police  
16 Force.

17 Q. How long have you been a police officer with the  
18 Metropolitan Police?

19 A. Twenty years now.

20 Q. And of that twenty years, how long have you been a  
21 detective sergeant?

22 A. I've been a detective sergeant for the last two or three  
23 years or so. I was a uniformed constable for three years, a  
24 detective from about '93 to -- in 2005 I passed my sergeant's  
25 exam and then was eventually promoted to sergeant, and that's



1 where I have been since.

2 Q. Okay. And on the Counter -- on the CT Command, what  
3 type of investigations do you do?

4 A. Various types of terrorism investigations in the U.K.,  
5 and around the world, really.

6 Q. And how long have you been on that particular command  
7 unit?

8 A. I was transferred to the Counter-Terrorist Command at  
9 9/11. At that particular time I was working in the London  
10 Crime and Drug Squad, and then when 9/11 happened, there was  
11 obviously a serious need for officers to man up and  
12 investigate terrorism matters, and I responded to the call at  
13 that point.

14 Q. Are you familiar with someone named Younis Tsouli?

15 A. I am, yes.

16 Q. And how about Waseem Mughal?

17 A. I know Waseem Mughal as well, yes.

18 Q. Were both of those individuals the subject of a criminal  
19 investigation by your agency?

20 A. That's right. When -- in the Metropolitan Police  
21 Counter-Terrorism Command, when we have a new investigation,  
22 we give that investigation an operation name. And in this  
23 situation the operation was Operation Mazhar.

24 Q. Can you spell that for the court reporter?

25 A. M-a-z-h-a-r.



1 Q. And what was your particular role in the investigation?

2 A. I performed two. The initial task was I was in charge  
3 of the search that took place at Younis Tsouli's house and  
4 oversaw his arrest.

5 Q. What was your second role? You said you had two.

6 A. The search of his house took the best part of two days  
7 to conduct. And then once that was completed, I took up the  
8 mantle of overseeing the review of all the computer data that  
9 was recovered for the operation.

10 Q. Now, Mr. Tsouli and Mr. Mughal, were they both located  
11 in the London area, the greater London area?

12 A. Mr. Tsouli was arrested in West 12, which is just about  
13 a mile down the road from Notting Hill. And Mr. Mughal lived  
14 in Chatham in Kent, which is about 30 miles outside London to  
15 the south.

16 Q. And Mr. Tsouli, where was he originally from?

17 A. Morocco.

18 Q. What languages did he speak?

19 A. Arabic, English.

20 Q. Around how old is he around the time of the  
21 investigation?

22 A. He has a 1983 date of birth. So we arrested him in  
23 2005, so he was 22 years old at the time.

24 Q. And Mr. Mughal, where was he born?

25 A. Mr. Mughal was actually born in Surrey in England, which



1 is a slightly -- he lived in South London, and Surrey is  
2 probably just southwest of London.

3 Q. Okay. You mentioned that during the investigation you  
4 searched both targets' homes; is that correct?

5 A. That's correct, yes.

6 Q. And did you have court authority for the search, some  
7 type of search warrant?

8 A. Yes. Once the investigation was underway, we attend a  
9 Crown court and obtained from a judge warrants to search  
10 under the terrorism legislation.

11 Q. What dates did those searches occur?

12 A. The searches for Mughal and Tsouli took place on the  
13 21st of October, 2005.

14 Q. Now, I would like to talk first about the search of  
15 Mr. Tsouli's home. Was anyone -- what type of location did  
16 you search for him?

17 A. Okay. The house was probably -- he lived in an  
18 apartment on the top floor of the house. The house was  
19 originally built probably 150 years ago as a single dwelling,  
20 and then in recent years it has been converted into three  
21 flats. His flat, apartment, was on the top floor.

22 Q. And when your team entered -- were you present at the  
23 search?

24 A. I was, yes.

25 Q. And when your team entered, was there anyone in the



1 residence?

2 A. The only person home was Younis Tsouli.

3 Q. Was he in his room?

4 A. He was in his bedroom, yes.

5 Q. And was he arrested at that time?

6 A. He was arrested, yes.

7 Q. Now, when you were searching his room, did you locate  
8 any computers or computered media?

9 A. We did, yes.

10 Q. And what did you locate?

11 A. A vast, vast majority of media, computers. In  
12 particular, he had a Dell tower unit which was unplugged, a  
13 laptop, a Toshiba laptop, which was actually running at the  
14 time when we entered his bedroom. Numerous other items,  
15 DVDs, CDs and whatever as well.

16 Q. What was the exhibit name that was given to that Toshiba  
17 laptop that you mentioned?

18 A. That was DRH-1.

19 Q. Is that D as in David?

20 A. Delta Romeo Hotel 1.

21 Those particular initials -- what happens is we have an  
22 exhibits officer allocated to the search, and he's  
23 responsible for the seizure and packaging of all  
24 exhibits. Consequently we -- my name is Richard Mark  
25 Dearsley, so if I was the exhibit officer, my exhibits would



1 be called RMD slash and then the sequential number of this  
2 exhibit.

3 On this occasion it was David Richard Harris was the  
4 exhibit officer.

5 Q. Did you locate any cell phones or mobile telephones?

6 A. We did, yes.

7 Q. How many?

8 A. Well, certainly one was DRH-3, a mobile telephone.

9 Q. Was that in Mr. Tsouli's room?

10 A. Yes.

11 Q. Now, you mentioned -- before I go on, let me ask you  
12 about Mr. Mughal's search. You searched his residence as  
13 well?

14 A. His address was searched as well, yes.

15 Q. And did you obtain computers and other types of computer  
16 media?

17 A. We did, yes.

18 Q. And what was the I guess three-letter exhibit label that  
19 was given generally to those exhibits?

20 A. Detective Sergeant Chris Gorrad was the officer  
21 searching there. He has got a middle initial J. So his  
22 exhibits were CJG slash and then whatever sequential number  
23 it was.

24 Q. Okay. And at some point did you provide an exact copy  
25 of Tsouli's and Mughal's computers to the FBI for use at this



1 trial?

2 A. Yes. What happens is once the computers are seized, our  
3 technical guys, they basically plug in the computer hard  
4 drive and they create an image, an exact image of the  
5 computer. Once that's done, the original exhibit is put  
6 away, and then the image is then worked on. And that is then  
7 copied and provided to other agencies.

8 Q. And you yourself also forensically examined the  
9 computers, or your team forensically examined the computers  
10 as well?

11 A. Yes. The way it works is we have our very, very, very  
12 technical guys do the imaging and extracting all the product  
13 from within the computers. They then place that onto a  
14 separate hard drive, and then the team that I was responsible  
15 for would examine every item that was found on the computer.

16 Q. Okay. I would like to focus on Mr. Tsouli's laptop that  
17 you mentioned. When you examined it, did you discover any  
18 video clips related to Washington, D.C.?

19 A. We did, yes.

20 Q. And what were the -- where were those videos housed?

21 A. There was a folder called Washington, funny enough, and  
22 there was a zipped folder called Washington. The zipped  
23 folder was password protected, which basically if you are  
24 given a zipped folder and it's password protected, when you  
25 click on it it would open up and a box would ask you to enter



1 the password. If you haven't got the password, you can't  
2 open it.

3 If you have got the password, you would enter the  
4 password in that box, enter, and then it would extract that  
5 product into another folder, and then you would view it in  
6 there.

7 Q. And did you find the extracted videos as well on  
8 Mr. Tsouli's laptop?

9 A. That's correct, yes.

10 Q. And were they in any location or some type of file  
11 folder?

12 A. When the zipped folders are unzipped, it extracts the  
13 Washington folder as a clear folder so it can be viewed.

14 Q. Now, you mentioned that when the search team entered,  
15 the laptop itself was on?

16 A. Yes.

17 Q. Did it have programs running?

18 A. It did.

19 Q. And how did you -- how did the search team handle that  
20 situation when you come in and have a running lap? What did  
21 they do in this case?

22 A. Okay. In this case, once the address was secured,  
23 Mr. Tsouli was arrested and taken out. We initially had a  
24 scene photographer take some basic photographs of the scene,  
25 and then we got our technical guys to come in. On this



1 occasion, Detective Sergeant Stunt came in and with a digital  
2 camera took a series of photographs of the computer as it was  
3 set up, cables and what was physically running on the desktop  
4 at the time.

5 And once he had done that, he then literally just pulled  
6 the plug on the computer and it was taken away for imaging.

7 Q. On your desk there should be a Government's Exhibit 191?

8 A. Yes.

9 Q. Do you recognize that exhibit?

10 A. I do, yes.

11 Q. And what is it?

12 A. This is Sergeant Stunt's digital images of the DRH-1,  
13 the Toshiba laptop at the time when Mr. Tsouli was arrested.

14 MS. COLLINS: Your Honor, the government tenders  
15 Exhibit 191.

16 THE COURT: Any objection?

17 MR. SADEQUEE: Is this a hard drive?

18 MS. COLLINS: No. This is a set of screen shots.

19 MR. SADEQUEE: No objection.

20 THE COURT: It's admitted.

21 BY MS. COLLINS:

22 Q. If we can put Exhibit 191 on the screen?

23 The top right photograph, is that the laptop that you  
24 have been talking about?

25 A. That's correct, yes.



1 Q. Now, going to page three -- and the laptop shows that's  
2 as it was when you started the search; is that correct?

3 A. Yes.

4 Q. Going to page three, if you can focus in on the top  
5 photograph?

6 A. Yes.

7 Q. Looking on the third -- well, first, what are we looking  
8 at here, just orient us?

9 A. When one has a computer running, the programs that you  
10 are running at the moment end up being populated in the task  
11 bar, which is the bar at the bottom.

12 On the left-hand side you can see the orange  
13 logo. Well, that's actually Firefox. That's an Internet  
14 Explorer type program so that one can look for stuff on the  
15 internet.

16 The middle box that you can see is BS Player. Now, on  
17 Mr. Tsouli's computer -- most people perhaps use  
18 Windows Media Player to view video films, but on Mr. Tsouli's  
19 computer he had another program installed, and that was the  
20 BS Player. So it does exactly that, you could view video  
21 films using that particular file.

22 And on the right-hand side, there you can see  
23 Mustadrak. Mr. Tsouli, a very computer literate man, he  
24 would discuss numerous things with people around the world in  
25 chat forums on the computer, and he has various programs on



1 his computer so that he can tie all these various chat  
2 sessions together in one program. And the name Mustadrak is  
3 one of the actual people who Mr. Tsouli talks to on the  
4 internet.

5 Q. And do you know who is associated with that moniker,  
6 Mustadrak?

7 A. The defendant.

8 Q. Mr. Sadequee?

9 A. Yes.

10 Q. Now, were you able to determine through forensic  
11 examination whether Mr. Tsouli was communicating with  
12 Mr. Mustadrak -- excuse me, not Mr. Mustadrak, but the  
13 defendant using the laptop some time before he was arrested?

14 A. Most definitely, yes.

15 Q. And did you find evidence that Tsouli used encryption to  
16 communicate with the defendant?

17 A. He did, yes. He did.

18 Q. How did you determine that?

19 A. As I said, Mr. Tsouli is a very computer literate  
20 chap. He had programs where he could pull all the various  
21 chat type programs into one so he could log on as -- in one  
22 program, for instance, there was one called GAIM.

23 GAIM, a name was used -- Mr. Tsouli had several names he  
24 used, so in the GAIM program, he would enter his several  
25 names he uses, and then it would also then associate all of



1 the various people he chats to using the different names. So  
2 that by clicking the one program, he could monitor all the  
3 various programs running on the internet.

4 He had another piece of software that does a similar  
5 sort of thing called MIRC, and another one called SIMP. And  
6 these things enable you to do a similar sort of thing, but  
7 also enable you to talk both encrypted to whoever you wish to  
8 talk to, basically you would -- the programs would generate a  
9 private key and a public key.

10 You would send your public key to your friend, and it's  
11 a big huge long number. Your friend would then with that key  
12 communicate with you, and then you would be able to decrypt  
13 that message.

14 When you actually open up these programs, you can see  
15 the settings for the various people, and obviously the people  
16 who he's communicating with would be in there as friends.

17 And also on the computer, the SIMP software, there was  
18 some screen shots that had been saved by Mr. Tsouli. And  
19 within those screen shots were four people, and one of which  
20 would have been Mr. Mustadrak.

21 Q. The defendant?

22 A. The defendant.

23 Q. Looking at page one of this exhibit, you mentioned a  
24 program called GAIM?

25 A. Yes.



1 Q. Is that spelled G-A-I-M?

2 A. That's correct, yes.

3 Q. Take look at that top left corner?

4 A. Yes.

5 Q. Does this have something to do with the GAIM program  
6 that you just mentioned?

7 A. That looks to me like MSN Messenger, the little  
8 logo. Irh007@qubix is one of Mr. Tsouli's monikers that he  
9 used, so this is Mr. Tsouli with that moniker.

10 As you can see in here as well, he has actually got the  
11 Irh007@qubix.ca/gaim, so that to me would say that this is  
12 the GAIM software used so that he could communicate with  
13 someone on the internet.

14 Q. Okay. Taking a look, going back out of the block and  
15 taking a look at the bottom right-hand corner --

16 A. Yes.

17 Q. -- there is something there, there is a banner, some  
18 type of sign that says YouBombIt?

19 A. That's correct.

20 Q. Were you able to determine during your forensic  
21 examination what YouBombIt is?

22 A. Mr. Tsouli was arrested on 21st of October,  
23 2005. During the course of that day, Mr. Tsouli spent the  
24 day on this particular computer, and he was in the process of  
25 producing an internet site called YouBombIt.com.



1 Q. And what was the purpose of YouBombIt.com according to  
2 your forensic examination?

3 A. Mr. Tsouli had used a program to actually clone an  
4 internet site. This internet site is called YouSendIt. So  
5 using the program, he had actually copied how that website is  
6 set up.

7 He then changed the names from YouSendIt to YouBombIt.  
8 He then logged into -- to do things on the internet, you  
9 first need a domain name. So Mr. Tsouli, one of the domain  
10 names he used was Irhaby007.ca.

11 You then purchase a chunk of web space to put that  
12 domain name on. That chunk of web space was purchased from a  
13 company called SurfSpeedy. Then using your computer, you can  
14 log into your chunk of web space that you own that you rent  
15 and run whatever websites you want from that chunk of web  
16 space.

17 Essentially how you do this is by a program from the  
18 control panel for that chunk of web space, and we were able  
19 to establish that this computer during the course of this day  
20 had logged in to this chunk of web space on SurfSpeedy, and  
21 he was in the process of building the YouBombIt website  
22 within that chunk of web space.

23 Q. And the chunk of web space you are talking about is  
24 Irhaby007.ca?

25 A. The chunk of web space was called Irhabi007.com, and



1 within that he was logging on as Irhaby007.ca. That was his  
2 name.

3 Q. And the actual function that the YouBombIt site was  
4 supposed to serve was based on YouSendIt. What does  
5 YouSendIt do?

6 A. If I have got a file and I want to send it to somebody  
7 via e-mail and that file is five megabytes in size, your  
8 e-mail may not let you send such a large file.

9 So what YouSendIt does is you upload that file to  
10 YouSendIt, it will give you a reference number, and then you  
11 can then send the e-mail to your friend with that reference  
12 number, and then your friend can click on that reference  
13 number and it will then download from YouSendIt.com whatever  
14 file you sent.

15 Q. And as you explained, were you explaining that -- in  
16 this screen shot it shows him doing what to the YouBombIt  
17 site?

18 A. Well, on this particular screen shot, what you have got  
19 is he's in the process of actually constructing the actual  
20 what the front page of the YouBombIt site is going to look  
21 like. So this is going to be the actual banner page for the  
22 site.

23 Q. Okay. You mentioned the log-in name was Irhaby007.ca;  
24 is that correct?

25 A. That's correct.



1 Q. Is that spelled with an I or a Y?

2 A. Unfortunately Mr. Tsouli used that same moniker so many  
3 times, he would spell it in various ways. On this particular  
4 occasion it was I-r-h-a-b-y.

5 Q. Then 007?

6 A. Irhaby007.ca.

7 You will have to bear with me, as I say, he used it with  
8 a Y at the end or an I at the end in various times.

9 Q. Still the same moniker; correct?

10 A. Oh, yes.

11 Q. Okay. Now, did you determine whether he used Irhabi 007  
12 as a log-in name to any other websites?

13 A. Numerous.

14 Q. And was one of them -- or are you familiar with the  
15 Al-Ansar Forum?

16 A. Correct.

17 Q. What is the Al-Ansar Forum?

18 A. Now, on the internet you can have things called chat  
19 forums, and basically you can talk in a chat forum with other  
20 people interested in the same things.

21 The chat forum would be set up, and it would have  
22 various items, threads of conversation, and then you could  
23 put your penny's worth on that thread of conversation, and  
24 then if someone else has got a like view, they could say, no,  
25 I don't agree with that, or, yes, I agree with that, and



1 enter it, and then there will be a sequential list of people  
2 saying, well, that they agree or disagree with whatever is  
3 being discussed.

4 The Al-Ansar Forum was such a forum, and it was being  
5 run on a piece of software called V Bulletin.

6 Q. And did you need a user name and password to access that  
7 forum?

8 A. That particular forum at the time when we dealt with the  
9 forum, normally one could join up with one of these chat  
10 forums just by entering a name, choosing whatever name you  
11 want, Mickey Mouse, choosing a password, and then you become  
12 a member as Mickey Mouse.

13 This particular forum was being administered, and it  
14 actually checked one of the buttons on it so that you can't  
15 register unless an administrator registers you. So therefore  
16 it was not open to the general public at this time.

17 Q. Now, did you locate any copies of that forum on  
18 Mr. Tsouli computers?

19 A. We did, yes.

20 Q. And just one copy or multiple copies?

21 A. There was -- the V Bulletin software is the front page,  
22 is what you physically look at. The actual forum itself  
23 comes in way of a database which is called an SQL file.  
24 These files we found on Mr. Tsouli's computer. We found 13  
25 of them on the laptop.



1           And I believe there was another copy of the forum on the  
2     DRH-2, which was the tower unit that I mentioned at the  
3     beginning.

4     Q.    And the copies that you are talking about, they contain  
5     all the data for the site at a particular time?

6     A.    Exactly. You know, at 12:00 whatever was on the --  
7     whatever was on the forum would be backed up, and then  
8     wherever it's set to be backed up to, would be a copy of the  
9     SQL file.

10    Q.    Now, when you analyzed the files in these backup copies,  
11    were you able to determine what particular role Mr. Tsouli  
12    had in that site?

13    A.    Only in the Al-Ansar Chat Forum, he was an administrator  
14    and a moderator.

15    Q.    What does it mean to be an administrator?

16    A.    The way these sites are normally set up, there is -- as  
17    I mentioned, you would have numerous threads of conversation,  
18    and you tend to have people set up to moderate those  
19    particular threads of conversation. Because they have got a  
20    particular interest in whatever that conversation is about,  
21    so they would be set up as a moderator for that.

22           The administrator would be overall control of the  
23    website and he would choose who would be moderators or  
24    whatever.

25           So the administrator would be like an overall control,



1 and moderators would be in control of a particular thread of  
2 conversation. However, they do tend to be the same people,  
3 both moderating and administrating.

4 Q. When you looked at Tsouli's laptop computer, were  
5 you able to determine whether he was involved in editing  
6 videos?

7 A. He was, yes.

8 Q. And how could you tell that? What evidence did you  
9 find in the laptop that indicated that?

10 A. As I mentioned, he was a very computer literate chap  
11 with numerous types of software that he could take a file and  
12 manipulate it into various sizes.

13 There is a particular file that I found called Sony.dat,  
14 that particular file arrived with Mr. Tsouli in the 23rd of  
15 August 2005, and that was a six hundred and something  
16 megabyte video file.

17 That particular video file was then edited and produced  
18 in several different formats. So you had the original of six  
19 hundred plus megabytes, then you had other ones at two  
20 hundred, other ones at one hundred, going in various sizes  
21 down.

22 This was -- these files were produced at various times  
23 between the 23rd of August and the 3rd or 4th of October. So  
24 eventually we had on Mr. Tsouli's computer half a dozen,  
25 seven or eight files, exactly the same film but in varying



1 sizes.

2 Q. And the varying sizes have what purpose?

3 A. From what I found on Mr. Tsouli's computer, he would  
4 choose -- he would purchase these chunks of web space on  
5 various servers around the world. He would then place in  
6 these chunks of space around the world video films, magazine  
7 articles, various type of material.

8 He would then produce a document, like just a piece -- a  
9 HTL page with a document, and basically on each one of the  
10 lines it would show that particular film with a link. And  
11 you would click that link, and it would actually take you and  
12 download that video file from whatever location the link  
13 would be.

14 Q. And for example, the video that you just mentioned, what  
15 types of videos was he editing into these different formats  
16 for distribution?

17 A. Well, the Sony.dat video, it was first in existence on  
18 his computer say the 23rd of August, and it was called  
19 Sony.dat. Eventually that was called Omar.Hadid.

20 And that particular video was about an hour long, and  
21 basically it showed a series of several Arabic-looking  
22 gentlemen, young men standing there, very smiley. They then  
23 walk away and get into various lorries, the lorry is then  
24 filmed driving down the road, and then the lorry would  
25 explode near to coalition forces.



1 Q. When you say lorry, is that a truck --

2 A. Yeah, sorry.

3 Q. -- or some type of car?

4 A. I do apologize. Yeah, a truck, a car, you know, various  
5 types. So you would have like several effective suicide  
6 missions on this particular video.

7 Q. And did it appear that video was filmed in Iraq?

8 A. I would say so, yes.

9 Q. Did you locate -- did you find other videos on either  
10 Mr. Tsouli's laptop or his computer tower showing violent  
11 activities?

12 A. Vast amounts.

13 Q. And describe some of them, what you found?

14 A. Virtually every infamous video one can imagine, from  
15 Ken Bigley being kill, from Daniel Pearl being killed. There  
16 is a video called Jasoos -- and when I say being killed, I  
17 mean you see a man kneeling down in an orange suit with  
18 several men standing behind him, balaclavas on, a jihadist  
19 sign behind them, and take a knife and place it at the  
20 gentleman's throat, cut his throat, and cut his head off,  
21 that sort of film.

22 Q. Were these westerners, were these Americans and British  
23 citizens being decapitated in these videos?

24 A. And Iraqi citizens and Napalese people. It was  
25 literally anyone.



1 Q. Did you find any videos showing improvised explosive  
2 devices, IEDs?

3 A. Yes.

4 Q. Describe some of those?

5 A. You would see someone sitting down with perhaps a land  
6 mine that would be opened up, and then within it you would  
7 have a load of nuts and bolts placed around the explosive,  
8 glue would be tipped over the nuts and bolts to hold them  
9 together, they would then be wrapped up in tape, and then  
10 taken away and placed to be exploded.

11 Q. Did you locate any videos that were more instructional  
12 in nature?

13 A. Yes.

14 Q. What were they instructing?

15 A. For instance, on Mr. Mughal's computer media we found  
16 specific video which was called "Martyrdom Operation Belt,"  
17 that was as part of an hour-long video, and effectively  
18 showed someone producing a vest with inserts inside, they  
19 would get a box, tip a hundred ball bearings within this  
20 square box, tip glue over the ball bearings --

21 MR. SADEQUEE: Objection. This has nothing to do  
22 with this case, me.

23 THE COURT: What's its relevance?

24 MS. COLLINS: Your Honor, it's relevant because  
25 these -- this was the type of activity that Mr. Tsouli was



1 doing for Al-Qaeda in Iraq, and this is showing some of the  
2 things that he had as part of his duties for Al-Qaeda in  
3 Iraq. And we will tie it up later with Mr. Kohlmann.

4 THE COURT: Then I will provisionally admit it  
5 subject to it being tied up by Mr. Kohlmann.

6 MS. COLLINS: Thank you.

7 A. So the ball bearings would be glued together, a square  
8 of explosive would be placed on some of the ball bearings,  
9 and this would be placed inside the vest, the vest would then  
10 be placed on a manikin in a desert scenario with a series of  
11 six foot tall sheets of metal of varying distance from the  
12 manikin, and then the manikin would be exploded. And then  
13 they would film where the shrapnel would strike the chunks of  
14 metal nearby.

15 Q. Okay. You mentioned one of Mr. Tsouli's monikers is  
16 this Irhabi 007. Did he have other e-mail addresses and  
17 monikers that he used?

18 A. He did, yes.

19 Q. And was one of them TheDude7\_2005@hotmail.com?

20 A. That is correct, yes.

21 Q. And how did you determine that that was one of his  
22 monikers?

23 A. As mentioned previously, Mr. Tsouli had various items of  
24 software which enabled him to tie all these chat monikers  
25 together, and this particular moniker was one of those set as



1 the actual user name for the software.

2 Q. Okay. And did he use or did you find evidence that he  
3 used the moniker JohnBlack05@hotmail.com?

4 A. Exactly the same way, it was set as one of the user  
5 names.

6 Q. Now, did you determine whether he also used the moniker  
7 Bond?

8 A. Correct.

9 Q. And how did you determine that?

10 A. I mean, initially the inference was always 007,  
11 James Bond. That was always the inference. Numerous bits of  
12 chat, it was like, you know, give this to Bond, talk to Bond,  
13 see Bond, whatever.

14 However, in Mr. Tsouli's computer -- when you are typing  
15 on the computer, if you save that Word document, it saves on  
16 the computer as a specific document. If you don't save and  
17 you are just typing, the computer has got to do something  
18 with those words you are typing. And the computer saves it  
19 in a file called Pagefile.sys. Basically it's a chunk, big  
20 chunk of space where it's just a temporary place for that to  
21 be typed into.

22 On Mr. Tsouli's computer, I looked at that particular  
23 chunk of space, and within that there is a piece of chat  
24 where the other person talked to Mr. Tsouli and says to him,  
25 Mr. Bond, Mr. Bond, can I have your autograph?



1           So that's someone directly talking to Mr. Tsouli saying,  
2           Mr. Bond, Mr. Bond. So therefore I was able to say that  
3           Mr. Bond is, in fact, one of Tsouli's monikers.

4           Q.    Okay. What about Mr. Mughal? Did you determine some of  
5           the e-mail addresses or chat monikers that he used?

6           A.    I did, yes.

7           Q.    Do you recognize Wamughal@hotmail.com?

8           A.    Correct.

9           Q.    And what was that?

10          A.    Well, that's Mr. Mughal's most obvious e-mail  
11          address. On his computer, his CV was present, for instance,  
12          and Wamughal is his e-mail address on that.

13          Q.    Okay. What about Aht48eind0@hotmail.com?

14          A.    Again, Mr. Mughal's computer, CJG-7 as we call it, he  
15          had various software installed on his computer. He had game  
16          encryption software, chat forum software, he had Power Talk,  
17          MSN, various types of software installed.

18                And again when one sets up software, you have to show  
19          what user names you are going to be using. And this is one  
20          of the user names he set.

21          Q.    Okay. And I'm just going to write them up here real  
22          quickly.

23                Is that the first one we just discussed?

24          A.    Yes.

25          Q.    Is that the second one?



1 A. Yes.

2 Q. What about the name Ismiyy?

3 A. Ismiyy, yes. Exactly the same scenario, that is one of  
4 the pieces of software he had set up.

5 There is also a previous chat session where he was  
6 talking to someone else on a piece of chat that we found on a  
7 computer. He was using the Wamughal e-mail address, and  
8 during the conversation, the other guy, who was  
9 Tariq al-Daour, the other person we arrested, called him  
10 Ismiyy.

11 Q. And Ismiyy, was that also used to log into other chat  
12 forums?

13 A. Correct. There is a folder on the computer where  
14 Mr. Mughal had retained items from I think it was an Islamic  
15 talk forum. It saved numerous items, and on that he was  
16 using the log-on Ismiyy.

17 Q. And last, what about Sleeping Beauty?

18 A. When you use these chat forums, I can sign on as my  
19 e-mail Richard Dearsley dot whatever it is, that's my e-mail  
20 address, but when I chat in these forums, I could actually  
21 have my nickname, my friendly address, in front of it. And  
22 whatever I put as my friendly address is what the other  
23 person sees that's talking to you.

24 And Mr. Mughal had used the name Sleeping Beauty in one  
25 or two conversations.



1 Q. On your desk should be Exhibit 227.

2 Do you recognize that?

3 A. Yes.

4 Q. What is it?

5 A. This basically is an extract of a chat  
6 conversation. It's a saved piece of chat conversation  
7 between Mustadrak@gawab and Sleeping Beauty.

8 Q. And was this located on Mr. Mughal's computer?

9 A. It was, yes.

10 MS. COLLINS: Your Honor, the government would move  
11 to Exhibit Exhibit 227.

12 THE COURT: Any objection?

13 MR. SADEQUEE: No.

14 THE COURT: It's admitted.

15 BY MS. COLLINS:

16 Q. Before we move on to our last topic, can you put up  
17 Exhibit 146, which should be in evidence?

18 This is a Tibyan Publications post when we are logging  
19 in as Mr. Sadequee. There is a post here from 007, but  
20 I want to focus in on this link that's inside the post.

21 A. Yes.

22 Q. 007, we can see it. Do you recognize anything about  
23 that link?

24 A. Funny, as I mentioned earlier, on Mr. Tsouli's computer  
25 we had this file that it had taken and converted to numerous



1 times. It started at Sony.dat and it ended as Omar.Hadid.  
2 So this is actually a link, one of the links to that  
3 particular video that I mentioned earlier, the six people  
4 going to perform the suicide operations.

5 Q. Can you put up Exhibit 193, please?

6 This is a telephone number that has been previously  
7 identified as belonging to Mirsad Bektasevic. Did you locate  
8 this telephone number anywhere among Mr. Tsouli's  
9 belongings?

10 A. Yes.

11 Q. And where?

12 A. Okay. Mr. Tsouli had seized from his -- when he was  
13 arrested a mobile telephone, Exhibit DRH-3. On that exhibit,  
14 that telephone number had been one of the last numbers  
15 dialed.

16 MS. COLLINS: No further questions.

17 THE COURT: I'm going take our midmorning  
18 break. We have been going almost two hours. We will break  
19 for fifteen minutes and reconvene at 11:05.

20 Again, don't discuss the case, because the evidence  
21 is still coming in. So we will be in recess for fifteen  
22 minutes.

23 (In open court without a jury present:)

24 THE COURT: Detective Sergeant Dearsley, while we  
25 are in recess, you should not discuss your testimony since



1     you are in the middle of it.

2             THE WITNESS:   Yes, sir.

3             THE COURT:   Is there anything we need to discuss  
4     before we take our recess?

5             MR. McBURNEY:   No, sir.

6             MR. SADEQUEE:   No, sir.

7             THE COURT:   All right.   We will be in recess.

8             (A recess is taken at 10:49 a.m.)

9                             --   --   --

10            (In open court without a jury present at  
11     11:06 a.m.):)

12            THE COURT:   Anything we need to discuss before we  
13     continue?

14            MR. McBURNEY:   Yes, sir.   The media has begun to  
15     ask for various exhibits that have been introduced and are  
16     now in evidence, particularly after Investigator Cengic has  
17     testified.

18            I just wanted guidance from the Court as to how you  
19     want us to handle that.   To date the only thing that we  
20     provided were actually items that were admitted in Syed Haris  
21     Ahmed's trial, which you had already indicated could be made  
22     public.   We have not shared anything with the media that is  
23     unique to this trial.

24            THE COURT:   Well, in Mr. Ahmed's trial, I recall  
25     I did authorize exhibits to be made available and made the



1 United States Attorney's Office responsible for getting a  
2 copy to the media outlets. Isn't that what I did?

3 MR. McBURNEY: Yes, and we are happy to do that.  
4 We didn't want to release anything until we had this  
5 conversation.

6 THE COURT: All right. Is there any objection from  
7 the defendant?

8 MR. SADEQUEE: No objection.

9 THE COURT: All right. Then let's follow that same  
10 process. I will require the government to make I guess a  
11 single copy available to the media. Is that correct? We  
12 made one person responsible for distributing it or --

13 MR. McBURNEY: I think Mr. Crosby from our office  
14 dealt with -- we got the exhibits to him, and then he figured  
15 out how to handle that.

16 I just want -- I'm happy to do it the same way.  
17 I didn't know whether to give him a red light or green  
18 light -- I'm hearing green light -- and then he can deal with  
19 the requests, copying or whatever. Thank you.

20 THE COURT: Anything else?

21 MR. McBURNEY: No, sir.

22 THE COURT: Ms. Collins, I would ask for you --  
23 there is an awful lot of detail about a number of what  
24 I think are marginally relevant matters, and I would ask for  
25 you to use some temperance in that area.



1 MS. COLLINS: Yes, sir.

2 THE COURT: All right. Let's bring the jurors back  
3 in.

4 (In open court with a jury present:)

5 THE COURT: All right. Mr. Sadequee?

6 MR. SADEQUEE: No questions.

7 THE COURT: All right. Does anybody want  
8 Detective Sergeant Dearsley subject to recall?

9 MS. COLLINS: No, Your Honor.

10 THE COURT: Mr. Sadequee, do you want him subject  
11 to recall?

12 MR. SADEQUEE: No.

13 THE COURT: All right. Detective Sergeant  
14 Dearsley, we appreciate your testimony and appreciate your  
15 travel to the United States to be with us.

16 You are released, but you should not discuss your  
17 testimony until you hear that the case has been concluded.

18 THE WITNESS: Yes, sir.

19 THE COURT: Thank you.

20 All right. Call your next witness, please.

21 MR. McBURNEY: Government recalls Mr. McGee to the  
22 stand.

23 THE COURT: Mr. McGee, let me just remind you that  
24 you are still under oath.

25 -- -- --



1 G. DOUGLAS MCGEE

2 being previously duly sworn by the Courtroom Deputy,  
3 testifies and says further as follows:

4 -- -- --

5 DIRECT EXAMINATION

6 BY MR. MCBURNEY:

7 Q. Good morning, sir.

8 A. Good morning.

9 Q. You previously testified to the jury about the work you  
10 did in exploiting, examining and searching for evidence on  
11 any number of hard drives, thumb drives, et cetera, that you  
12 received in this case. Is that right?

13 A. That's correct.

14 Q. I have one more harvesting question for you, and then  
15 questions about forensic work you did in terms of what we  
16 have described before, this connectivities.

17 But first, you should have in front of you  
18 Exhibit 247. Do you recognize that?

19 A. Yes, sir.

20 Q. Is that something you found on one of the sets of  
21 digital evidence you received during your work on this case?

22 A. Yes, sir.

23 Q. Do you recall which?

24 A. DRH.

25 Q. That was one of the subsets of what we called Operation



1 Mazhar?

2 A. Yes, sir.

3 Q. There is DRH and CJG?

4 A. Yes, sir.

5 Q. And Exhibit 247, whatever it is, is something you found  
6 on the DRH set of digital evidence?

7 A. Yes, sir.

8 Q. And what you have in front of you is an accurate  
9 reproduction, paper reproduction of what you found on that  
10 digital evidence?

11 A. It is, sir. I produced this and printed this.

12 Q. Did you initial it?

13 A. Yes, sir.

14 Q. Thank you.

15 All right. One other file or exhibit that is already in  
16 evidence I want to talk to you about a little bit, and then  
17 we will get into some of your connectivity work.

18 If you would put up Government's Exhibit 60, please?

19 This was an item found I believe on CJG, and it's  
20 already in evidence. It's a Microsoft Word file. I think  
21 you testified before about a modification date or a creation  
22 date or something like that.

23 But if we could look at 60-A, and magnify that?

24 I know you didn't create 60-A, but I want you to help  
25 the jury understand how these properties work. When someone



1 creates a document in Microsoft Word, is it assigned certain  
2 descriptors or properties beyond the file name that someone  
3 gives it?

4 A. Yes, sir. Microsoft actually embeds author names, the  
5 person who owned the software, that type of information, in  
6 the document itself. The user doesn't normally see that in  
7 the body of the document, but it's actually stored in the  
8 code in the document.

9 Q. If you open up the document, it doesn't start with the  
10 first line Raksha, Sonali, Sadequee?

11 A. No, sir.

12 Q. You referred in your previous testimony to something  
13 called metadata. Would this information be what's stored in  
14 the metadata of the document file?

15 A. Yes, sir.

16 Q. Not ordinarily viewable when you open the file in  
17 Microsoft Word?

18 A. Correct.

19 Q. If you print out the document, does this information  
20 that we are looking at in 60-A appear anywhere on the  
21 document when it's a hard copy?

22 A. No, sir.

23 Q. Does the information about the registrant of the copy of  
24 the software, here Sonali Sadequee and Raksha, does that get  
25 embedded in the file when the file is first created or when



1 it's subsequently modified, if it's modified?

2 A. When it's first created, sir.

3 Q. So if I were to create a Microsoft Word document on my  
4 home computer, say Robert McBurney on it, and then I went  
5 over to my neighbor's house and said, Hey, look at this thing  
6 I wrote, put the file in his computer and pulled it up, would  
7 his registration information for his copy of Microsoft Word  
8 then get embedded in that file?

9 A. Only if he made changes to it at that point.

10 Q. But in terms of the origination of the document, it's  
11 the copy that was used, the copy of Microsoft Word that was  
12 used to create the document that's put in the metadata?

13 A. Yes, sir.

14 Q. Okay. Thank you.

15 Let's start with the Brynbrooke hard drive. Those were  
16 hard drives taken I think you mentioned from the family home  
17 of Syed Haris Ahmed?

18 A. Yes, sir.

19 Q. Were you able to determine if someone using the  
20 Brynbrooke computer had ever visited the Tibyan website?

21 A. Yes, sir.

22 Q. And in lay person's terms, explain to the jurors how you  
23 can tell by looking at a hard drive that someone has used  
24 that computer to go to a particular website?

25 A. Generally on a Windows operating system, when you visit



1 a website, whether it be using Internet Explorer as your  
2 browser or Mozilla Firefox that some people are using now,  
3 those browser programs will maintain a history of your visits  
4 to those websites.

5 Q. Was there evidence that someone using the computer at  
6 Syed Haris Ahmed's family home had gone to Tibyan  
7 Publications?

8 A. Yes, sir.

9 Q. Are you able to look into a hard drive or digital  
10 evidence to see if a user of a particular computer has ever  
11 had e-mail or chat contact with a particular user name or  
12 e-mail address?

13 A. Yes, sir.

14 Q. What are ways in which you can find -- where do you find  
15 that type of evidence?

16 A. Again, that's generally found in multiple locations on  
17 the hard drive, and the e-mail programs themselves will often  
18 store your messages.

19 If you are accessing web-based e-mail services, such as  
20 G-Mail or Google Mail or Yahoo! Mail, those e-mail addresses  
21 will appear in the stored web pages that your computer stores  
22 when you visit those sites.

23 Q. On the Brynbrooke hard drive, did you find any evidence  
24 that someone using the Brynbrooke hard drive, Brynbrooke  
25 computer, had ever been in contact with the moniker



1 Aboo Khubayb?

2 A. Yes, sir.

3 Q. I'm going to write one up here on page nine of  
4 Government's Exhibit 1. I have already written one up here;  
5 I will ask you about that in a minute.

6 I'll ask you about this one: S-b-u-a-l-y. Did you find  
7 any evidence that someone using the Brynbrooke computer had  
8 ever been in contact with that moniker, Sbualy?

9 A. Yes, sir.

10 Q. Now, is it your job as the forensic analyst to figure  
11 out who Sbualy is?

12 A. No, sir.

13 Q. Just that someone using a particular device may have  
14 been in contact with Sbualy?

15 A. That's correct.

16 Q. Finally for the Brynbrooke hard drives, I want to talk a  
17 little bit about the Washington, D.C., videos. You have  
18 already testified that all 62 were found I think it was in  
19 two directories with the dates April 10 and April 11, 2005.

20 Was there any evidence that a CD-ROM had ever been  
21 inserted into the Brynbrooke computer with those same files,  
22 the 62 casing videos on them?

23 A. I have seen evidence of a CD-ROM on the Brynbrooke  
24 computers that had evidence of some of those file names, not  
25 all 62. I did not see all 62, but some of those file names



1 were present. And the CD-ROM name was April 22, 2005, and it  
2 had a tourist directory or folder on that CD-ROM.

3 Q. Was there any evidence that you found on the Brynbrooke  
4 computer showing that any of the 62 casing videos had been  
5 viewed on the Brynbrooke computer?

6 A. Yes, sir.

7 Q. How can you tell that someone has watched a particular  
8 video on a computer other than if you are there and they tell  
9 you?

10 A. Well, just like in the case of visits to internet  
11 websites, your media software on computers such as Windows  
12 Media Player or Apple Quick Time actually maintain more or  
13 less a history of files that you viewed on that computer.

14 Q. Did you find that type of information about the  
15 Washington videos?

16 A. Yes, sir. Both in Windows Media Player and Apple's  
17 Quick Time software.

18 Q. Okay. Let's shift to the Nowata hard drive. Nowata is  
19 an address associated with the defendant's family home.

20 Did you do the same type of connectivity analysis on  
21 that hard drive or that digital evidence?

22 A. Yes, sir.

23 Q. Were you able to tell from looking at the materials you  
24 received from the Nowata Drive address what type of internet  
25 connection that computer had?



1 A. The best we were able to determine was that it was using  
2 a dial-up internet connection.

3 Q. Is that slower or faster than DSL or cable?

4 A. It's multiple factors of times slower than DSL and  
5 cable.

6 Q. We talked a little bit about websites with  
7 Brynbrooke. I want to do the same with Nowata.

8 Did you find any evidence on the Nowata computer of  
9 someone using that computer and going to the Tibyan website?

10 A. Yes, sir.

11 Q. How about any website that has the phrase or the word  
12 Ansar in it?

13 A. Yes, sir.

14 Q. I have the same question about someone using Nowata and  
15 connecting with a particular e-mail address or user  
16 name. I'm going to start with names that other witnesses  
17 have already associated.

18 Did you find anywhere on the Nowata computer evidence  
19 that a user of the Nowata computer had communicated with  
20 Al-Muwahid, which is a moniker associated with Syed Haris  
21 Ahmed?

22 A. Yes, sir.

23 Q. Aabid Hussain Khan is associated with the moniker  
24 Abe Umar, A-b-e U-m-a-r. Any evidence from Nowata that  
25 somebody using that computer had communicated with Abe Umar?



1 A. Yes, sir.

2 Q. Someone named Waseem Mughal is known to have used the  
3 moniker Aht48eind0. Did you find that on the Nowata hard  
4 drive?

5 A. Yes, sir.

6 Q. We won't flip the page, we just talked about that  
7 Sbualy. Was evidence of Sbualy found on the Nowata  
8 computer?

9 A. Yes, sir.

10 Q. What is Secway Simp?

11 A. That is a commercially-available encryption program to  
12 encrypt online chats or online instant messaging.

13 Q. What does that enable? If I had Secway Simp on my  
14 computer and you had it on yours, what could we do to keep  
15 our communications private from anyone else?

16 A. Well, in the case of Secway Simp, when you and I were to  
17 initiate an online chat, you would be prompted to accept my  
18 encryption key, and I would be prompted to accept yours. And  
19 by accepting those encryption keys, we could then encrypt our  
20 communications with one another.

21 Q. If you and I were having a chat and we involved my  
22 brother in the chat as well but he didn't have your key or my  
23 key, would he be able to see what you and I shared with each  
24 other?

25 A. No, sir.



1 Q. You mentioned these keys. If you and I were using  
2 Secway Simp, as long as I have the software and you have it,  
3 does that mean I can read what you type if you are encrypting  
4 it, or do I need to get something from you first?

5 A. You have to have a copy of my public encryption key.

6 Q. Now, if I have your key, can I give it to other people  
7 and from then on they will be able to crack your encryption?

8 A. No. That public key, the purpose of that public key is  
9 so that you can encrypt messages to me. And only me with my  
10 private half of that key, could I then decrypt that  
11 message.

12 So the purpose of the exchange of those keys is so that  
13 you could basically lock the message up so that only I can  
14 read it because I only have the other half of that key.

15 Q. Can you slide the microphone back a couple inches? You  
16 are very good with it, better than most, but you are getting  
17 too close. Thank you.

18 Did you find evidence that Secway Simp was on the Nowata  
19 hard drive?

20 A. Yes, sir.

21 Q. Did you find any public keys of other users? In other  
22 words, if you looked on mine and you had sent me your key,  
23 you might find your key on mine, did you find any other  
24 users' keys on the Nowata hard drive?

25 A. Yes, sir.



1 Q. We have gone through some of these names before.

2 Abe Umar, A-b-e U-m-a-r, was his key on the Nowata hard  
3 drive?

4 A. Yes, sir.

5 Q. This Aht48, et cetera, associated with Waseem Mughal,  
6 was on that the hard drive?

7 A. Yes.

8 Q. The Sbualy we mentioned, was Sbualy's Secway Simp key on  
9 the Nowata hard drive?

10 A. Yes, sir.

11 Q. Was there one associated with the name Omer Kamal, all  
12 one word, O-m-e- --

13 A. Yes, sir.

14 Q. Yes?

15 A. Yes, sir.

16 Q. And finally, was there one Maximus.kay spelled k-a-y?

17 A. Yes, sir.

18 Q. A Secway Simp key from Maximus.kay?

19 A. Yes, sir.

20 Q. Could you put up Exhibit 111, please?

21 We mentioned a minute ago what it would be like for  
22 someone in a chat if he didn't have the keys of others. Just  
23 looking at Exhibit 111, is this sort of what you might see if  
24 my brother and I are chatting and we invite you in but we  
25 forget to give you a key?



1 A. Yes, sir.

2 Q. Finally, Raksha. I think you testified before that you  
3 actually were involved in acquiring the original digital  
4 evidence from Raksha, the nonprofit organization where the  
5 defendant worked at one point?

6 A. Yes, sir.

7 Q. Describe for the jurors the state of the computer that  
8 you were directed to get the information from?

9 A. The computer at the time of the retrieval of the  
10 evidence was approximately five years old, five to six years  
11 old. It had been donated to Raksha, and the computer had a  
12 number of hard drives in it.

13 And at least three of those hard drives had been in a  
14 failed state. They were just not operable. They weren't  
15 working.

16 So although the computer itself was functional, a number  
17 of the drives inside the computer were not.

18 Q. Was it an old server?

19 A. Yes, sir.

20 Q. Websites: Did you find any evidence that someone using  
21 the old server machine at Raksha had ever gone to the Tibyan  
22 website?

23 A. Yes, sir.

24 Q. Were you able to conduct a frequency analysis or at  
25 least a count of incidents of Tibyan Publications, visits to



1 Tibyan Publications, or the appearance of that phrase, on the  
2 Raksha hard drive?

3 A. Yes, sir.

4 Q. What did you find?

5 A. We found that "Tibyan Pubs" phrase occurred over two  
6 thousand times in the evidence, sir.

7 Q. Two thousand discrete instances?

8 A. No, it --

9 Q. Not just one text file with the phrase "Tibyan Pubs"  
10 copied over two thousand times?

11 A. Well, it actually appeared in a number of places,  
12 including some of the internet history, but also inside some  
13 of the page file information. So in that case, the page file  
14 is one monolithic file. So it occurred multiple times in  
15 page files as well as other locations.

16 Q. A page file is basically the agglomeration of everything  
17 that has been going on in the computer that either was  
18 deleted or doesn't get saved?

19 A. It's like scratch space. It's like you are on the phone  
20 with somebody and they are rattling off numbers and  
21 information to you. A lot of times you will take a piece of  
22 scratch paper because you obviously can't hold all of that in  
23 your memory.

24 It works the same way for the computer. If the computer  
25 doesn't have enough memory to store the information that it's



1 dealing with, it will write out some of that information to  
2 the hard drive into a file known as page file.

3 Q. Even though that's one massive file, when you say there  
4 were over two thousand instances of Tibyan Publications,  
5 Tibyan appearing on the hard drive, those are discrete  
6 instances of it appearing?

7 A. Yes, sir.

8 Q. We talked a little bit about the videos and a CD that at  
9 one point had been in the Brynbrooke hard drive that had some  
10 of the same file names for these Washington, D.C., videos.  
11 Did you find any evidence on the Raksha computer that that  
12 same CD or a CD with that exact name had ever been inserted  
13 into the Raksha computer?

14 A. Yes, sir.

15 Q. Tell the jurors what you found?

16 A. On Raksha, in that page file that we were just speaking  
17 about, the video file names from some of these 62 videos that  
18 we found on the Brynbrooke evidence were also seen on the  
19 Raksha evidence in the page file in that same directory  
20 structure that we were speaking about earlier, the tourist  
21 backslash 2005 underscore 04 underscore 10, and underscore 04  
22 underscore 11.

23 And again that file structure appeared numerous times in  
24 page file, along with file names, along with some references  
25 to the .rar files that we were speaking of earlier on in



1 testimony as well.

2 Q. Well, that's my next question. You are a step ahead of  
3 me. Did you find evidence from Raksha indicating that at  
4 some point a file known as volleyball contest.rar had been on  
5 Raksha or on media inserted into that computer?

6 A. Yes, sir.

7 Q. How about Jimmy's 13th birthday.rar?

8 A. Yes, sir.

9 Q. Finally, Mr. McGee, I want to ask about these same  
10 e-mail connections. Abe Umar, A-b-e U-m-a-r, any evidence  
11 that someone using that Raksha old server machine had been in  
12 contact with Abe Umar?

13 A. Yes, sir.

14 Q. The Aht48 et cetera, Waseem Mughal?

15 A. Yes, sir.

16 Q. Wamughal, another moniker for Waseem Mughal,  
17 W-a-m-u-g-h-a-l?

18 A. Yes, sir.

19 Q. The Sbualy?

20 A. Yes, sir.

21 Q. Al-Muwahid, Syed Haris Ahmed?

22 A. Yes, sir.

23 Q. And finally -- I'll put this on page nine, it's not  
24 associated with anyone at this time -- this Riyadh underscore  
25 u-s underscore Saliheen, did you find any evidence on the



1 Raksha computer that someone using that machine had been in  
2 contact with Riyad\_us\_Saliheen?

3 A. Yes, sir.

4 MR. McBURNEY: Thank you, Mr. McGee.

5 THE COURT: Mr. Sadequee?

6 MR. SADEQUEE: No questions.

7 THE COURT: Does anybody want Mr. McGee subject to  
8 recall?

9 MR. McBURNEY: No, sir.

10 THE COURT: Mr. Sadequee?

11 MR. SADEQUEE: No.

12 THE COURT: You are released. We appreciate your  
13 testimony. Do not discuss it until you hear the case has  
14 been concluded. Thank you.

15 You can call your next witness, please.

16 MS. COLLINS: The government calls  
17 Michael Scherck.

18 -- -- --

19 MICHAEL SCHERCK

20 being first duly sworn by the Courtroom Deputy, testifies and  
21 says as follows:

22 -- -- --

23 DIRECT EXAMINATION

24 BY MS. COLLINS:

25 Q. Could you please state your name and spell your last



1 name for the record?

2 A. My name is Michael Scherck, S-c-h-e-r-c-k.

3 Q. What do you do, Mr. Scherck?

4 A. I'm a special agent with the Federal Bureau of  
5 Investigation.

6 Q. Which field office do you work out of?

7 A. The Atlanta field office.

8 Q. And how long have you been an FBI agent?

9 A. Just a little over five years now.

10 Q. What is your role -- what's been your role in this  
11 investigation?

12 A. I've been the primary case agent for Defendant Sadequee.

13 Q. And during the investigation, did you get to know  
14 Mr. Sadequee's appearance?

15 A. Yes, I did.

16 Q. Did you personally encounter him once during the  
17 investigation or twice?

18 A. Yes, ma'am, twice.

19 Q. Do you see him in court?

20 A. Yes, ma'am.

21 Q. Can you describe his location in the courtroom?

22 A. He's to the right of me next to Mr. Samuel.

23 MS. COLLINS: For the record, the witness has  
24 described the defendant.

25 BY MS. COLLINS:



1 Q. At some point during your investigation, did  
2 Mr. Sadequee leave the United States?

3 A. Yes, he did.

4 Q. Where did he go?

5 A. He flew from Atlanta to JFK to the United Arab Emirates  
6 and then on to Dhaka, Bangladesh.

7 Q. What date was that?

8 A. That was August 18, 2005.

9 Q. And during his trip from Atlanta to Dhaka, Bangladesh,  
10 did you encounter him?

11 A. Yes, I did.

12 Q. And how did that happen? Where was it?

13 A. JFK Airport in New York.

14 Q. And what did you do with Mr. Sadequee at JFK?

15 A. Conduct an interview with Mr. Sadequee.

16 Q. Was it you alone or did you have someone with you?

17 A. No, I was with a New York, New Jersey Port Authority  
18 detective.

19 Q. And how long did the interview last?

20 A. The interview lasted approximately thirty minutes.

21 Q. Where did you meet Mr. Sadequee? Where did you  
22 encounter him?

23 A. When Mr. Sadequee exited the plane at JFK, as he got off  
24 the plane, he came up the ramp, and then he was walking down  
25 the ramp to go to the general area in the airport. Myself



1 and a detective approached Mr. Sadequee.

2 Q. Were you in some type of uniform or were you wearing  
3 plain clothes?

4 A. I was in plain clothes, a suit.

5 Q. The other gentleman that was with you?

6 A. He was not in uniform. He was in plain clothes as well.

7 Q. And how did you know it was Mr. Sadequee you were  
8 approaching?

9 A. I had seen pictures of Mr. Sadequee before, so I was  
10 aware of what he looked like.

11 Q. Did you verify his identity when you talked to him?

12 A. Yes, I did.

13 Q. How did you do that?

14 A. Myself and the detective went up to Mr. Sadequee, the  
15 detective introduced us, and I asked him if his name was  
16 Ehsunal Sadequee. He said yes.

17 Q. Did you see any documentation, like a passport or a  
18 driver's license or anything like that?

19 A. We did later on, we saw his passport.

20 Q. Was it a U.S. passport?

21 A. Yes, it was.

22 Q. Was he a U.S. citizen?

23 A. Yes, he is.

24 Q. Now, what did you -- did you give Mr. Sadequee any  
25 explanation for why you were interviewing him?



1 A. Yes, we did.

2 Q. What did you tell him?

3 A. We advised Mr. Sadequee that we had some passengers  
4 complain on the flight that he was up to some unusual  
5 activity on the plane, you know, getting up from the seat,  
6 you know, sitting back down, going to the bathroom, and  
7 moving around a lot on the plane. It made some people on the  
8 plane suspicious, and therefore we wanted to speak to him  
9 about that. So that's why we asked if we could speak with  
10 him.

11 Q. Was that true?

12 A. No, it was not.

13 Q. Why did you tell him that?

14 A. Because we were looking for a reason to speak with  
15 Mr. Sadequee, and we used that as a ruse to do that.

16 Q. Were you trying to keep the investigation covert, or did  
17 you want him to know about it?

18 A. No. At that point of the investigation, we did not want  
19 Mr. Sadequee to know that there was an open investigation on  
20 him. So that's why we made up the story that he was up to  
21 some unusual activity on the plane.

22 Q. What type of information were you hoping to learn from  
23 this interview?

24 A. We were hoping to obtain basic biographical information  
25 as far as your name, your date of birth, your phone numbers,



1 your addresses where you lived, items such as that.

2 Q. Did Mr. Sadequee agree to talk to you?

3 A. Yes, he did.

4 Q. And where did you go?

5 A. Delta provided us a little room probably twenty-five to  
6 fifty yards from where we stopped him. It was a room in the  
7 airport.

8 Q. I would like to talk about some of the subjects that you  
9 may have discussed with the defendant.

10 You mentioned background information. Did you get  
11 background information about him?

12 A. Yes, we did.

13 Q. And what type of information was that?

14 A. The name, date of birth, where he was going, how long he  
15 was going to be staying there, his purpose for travel  
16 overseas, who he was going to see, who he was going to stay  
17 with. Items such as that.

18 Q. Did he give you any e-mail accounts that he used?

19 A. Yes, he did.

20 Q. How many?

21 A. One e-mail account.

22 Q. Did you ask for others?

23 A. I asked him if he had any e-mail accounts. He replied  
24 Sadshifa I believe it was at Yahoo.com. That's what he told  
25 us. I asked him if he had any others, and that's the only



1 one he gave us.

2 Q. Did you ask him why he was going to Bangladesh?

3 A. Yes, I did.

4 Q. And what was the reason he gave you?

5 A. The reason that he was going to Bangladesh was to marry  
6 his cousin.

7 He stated the reason why he was going over, he didn't  
8 say that, you know, he was going over frantically, but it  
9 sounded like there was some emergency behind the reason he  
10 was going over right now to get married, because her parents  
11 had set up a prearranged marriage, and that's why he was  
12 going over there and try to head that off so he could marry  
13 her.

14 Q. And did you later learn that he in fact got married?

15 A. Yes, he did.

16 Q. Did you ask him about any prior overseas travel?

17 A. Yes.

18 Q. And what was his response?

19 A. I asked Mr. Sadequee the last time he traveled outside  
20 the United States, and he responded the last time he traveled  
21 outside the United States was January of 2005.

22 Q. Did he say where he was going?

23 A. He stated that he went to Toronto, Canada, and that he  
24 visited his aunt which goes by the name of Manju Auntie, and  
25 that her husband is a cardiologist and that they had some



1 children.

2 Q. Did you ask him if he traveled with anyone to Canada in  
3 January of 2005?

4 A. Yes, I did.

5 Q. What was his response?

6 A. He said he traveled by himself.

7 Q. So he didn't say that he went with Syed Haris Ahmed?

8 A. No, he did not say that.

9 Q. How did the interview conclude?

10 A. The interview concluded after approximately thirty  
11 minutes. We thanked Mr. Sadequee for his time, we gave him  
12 his passport back, we didn't keep anything of his.

13 He exited the room. We exited the room. Myself and the  
14 detective, we started to walk outside the building to his  
15 car. At that time Mr. Sadequee passed us again right outside  
16 the -- like the main gate.

17 Mr. Sadequee asked us directions for the terminal. I  
18 wasn't familiar with the airport, so the detective gave  
19 Mr. Sadequee directions to where he needed to go.

20 Q. And did he get on his plane and make it to Dhaka,  
21 Bangladesh?

22 A. Yes, he did.

23 Q. Now, later in 2005, did the FBI receive copies of  
24 digital media from the United Kingdom investigations of  
25 Tsouli and Mughal?



1 A. Yes, we did.

2 Q. And did you also receive copies of digital media and  
3 other items from Bosnia's investigations of  
4 Mirsad Bektasevic?

5 A. Yes, we did.

6 Q. Did you obtain communications between Mr. Sadequee and  
7 Tsouli, Mughal, Bektasevic, as well as some with Azdee, whom  
8 we have heard about before?

9 A. Yes, ma'am.

10 MS. COLLINS: Your Honor, the government --

11 BY MS. COLLINS:

12 Q. Well, on your desk should be a number of exhibits:  
13 Exhibit 225, 226, 227, 228, 230, 232 through 237, 241, 241-A,  
14 242, 242-A, 243 through 247.

15 A. Okay.

16 Q. And are those communications involving Mr. Sadequee and  
17 the people I mentioned before, as well as other documents  
18 that are related to discussions they had in these  
19 communications?

20 A. Yes, they are.

21 MS. COLLINS: Your Honor, the government moves to  
22 admit Exhibits 225 to 228, 230, 232 through 237, 241, 241-A,  
23 242, 242-A, 243 through 247.

24 THE COURT: Any objection?

25 MR. SADEQUEE: No.



1 THE COURT: They are admitted.

2 BY MS. COLLINS:

3 Q. Now, previously we have seen a number of monikers used  
4 by Mr. Sadequee including Almuwahhid, Sadshifa that you  
5 mentioned. At some point did Mr. Sadequee change to another  
6 moniker?

7 A. Yes, he did.

8 Q. And what was that?

9 A. Mustadrak@gawab.com.

10 Q. Can we put up Exhibit 225, please?

11 What's the date of this?

12 A. July 24, 2005.

13 Q. And who is the it looks like only participant to this?

14 A. Almuwahid@hotmail.com.

15 Q. And who is that?

16 A. The defendant, Sadequee.

17 Q. Can you read what he writes in here?

18 A. As-Salaam 'Alaykum, Akhee. Here is my new  
19 e-mail, MSN. I won't be using this anymore since  
20 TP is done by Mukhaabaraat.

21 Q. And then does he provide an e-mail address?

22 A. Yes, he does. Mustadrak@gawab.com.

23 Q. What is TP?

24 A. Tibyan Publications.

25 Q. What was the timing of Sadequee's departure in relation



1 to Syed Haris Ahmed's return to the U.S.?

2 A. Mr. Sadequee left the U.S. to Dhaka, Bangladesh, on  
3 August 18, 2005. Mr. Ahmed came back to the United States on  
4 August 19, 2005.

5 Q. And was it upon Mr. Ahmed's return that he was  
6 questioned by Officer Harper?

7 A. Yes.

8 Q. Did you locate communications in which you discovered  
9 that Mr. Ahmed had told Mr. Sadequee about being questioned  
10 at the airport?

11 A. Yes.

12 Q. Can we put up Exhibit 227, please, and just blow up the  
13 top part of the page?

14 What is this? What date did this chat occur on?

15 A. August 23, 2005.

16 Q. And how is this date in relation to when Mr. Sadequee  
17 left the U.S.?

18 A. Five days after Mr. Sadequee departed the U.S.

19 Q. Okay. And he is -- who is the participant, the first  
20 participant we see here?

21 A. Mustadrak@gawab.com, which has been identified as  
22 Ehsanul Sadequee.

23 Q. And if we can back out of that and go down towards the  
24 middle of the page where the blue print is?

25 Who is the other person who Mr. Sadequee is chatting



1 with?

2 A. Sleeping Beauty has been identified as Waseem Mughal.

3 Q. Let's go to page three. Can you blow up the top half of  
4 the page, please?

5 Starting at line 6:39:59, can you read what Mr. Sadequee  
6 says?

7 A. Okay. Mr. Sadequee says:

8 Brother, very important message for Mu'aath.

9 Tell him to tell Abu U --

10 Q. Then continue down to his next part?

11 A. -- that Abu T was visited by the doctors, and the  
12 doctors got Abu U's cell, so throw it away.

13 Q. So Abu U, is that someone you have seen before?

14 A. Yes, it is.

15 Q. And who is it?

16 A. Aabid Hussein Khan of the United Kingdom.

17 Q. And Abu T?

18 A. That's Abu Turab also known as Syed Haris Ahmed.

19 Q. Can we put up -- and what is being said here?

20 A. What is being said is that Mr. Sadequee is telling  
21 Mr. Mughal that Syed Haris Ahmed was stopped by law  
22 enforcement and that they got the cell phone number of  
23 Aabid Hussein Khan. So it's a bad number now and that the  
24 police will know about it, so he needs to get rid of it.

25 Q. Can we put up Exhibit 155, page eight?



1           What is this exhibit?

2       A.    This is the address book of Syed Haris Ahmed, and it's  
3       the telephone number for Aabid Hussein Khan.

4       Q.    Can we split the screen with Exhibit 98, please, which  
5       is -- now, Exhibit 98 was previously identified as the  
6       telephone number associated with Mr. Khan in Pakistan.

7           Is that the same number that is shown in Mr. Ahmed's  
8       telephone book?

9       A.    Yes, it is.

10      Q.    Did you -- did the FBI learn whether Mr. Sadequee had  
11      the telephone number that is shown in Exhibit 98, Mr. Khan's  
12      number, when he left the United States?

13      A.    Yes, we did learn that, and he did have the number with  
14      him.

15      Q.    And where was it?

16      A.    Within his address book on a slip of paper.

17      Q.    Can you put up Exhibit 162?

18           And we see the initials AU on there.    What does that  
19      stand for?

20      A.    Abu Umar.

21      Q.    And which telephone number corresponds with the number  
22      that we saw on Exhibit 98?

23      A.    The phone number on the bottom.

24      Q.    The one that ends in 4920?

25      A.    Yes, ma'am.



1 Q. Okay. Going back to Exhibit 227 on page three, down at  
2 the bottom of the page, please, if you can blow that up?

3 Can you continue with what Mr. Sadequee says starting at  
4 6:42:56?

5 A. God knows best. Just tell Mu'aath to tell  
6 Abu U he is on the radar. Tell him to throw  
7 away --

8 Q. Then continuing on to the next page at the top of the  
9 page?

10 A. -- the old cell.

11 Q. Continuing down at the bottom, towards the bottom of  
12 this page, the last half of the page, does Mr. Sadequee  
13 continue at 6:51:37?

14 A. Yes, he does.

15 Q. And what does he say?

16 A. Tell AZD that T got sniffed, and the dogs  
17 found out about the trip north to him. But they  
18 don't know who. They just know that T went north.

19 Q. Okay. And Azdee is located where?

20 A. Canada.

21 Q. And the trip north, what is that a reference to?

22 A. That's a trip that Defendant Sadequee and Mr. Ahmed took  
23 in March of 2005.

24 Q. And who is T?

25 A. Syed Haris Ahmed.



1 Q. Now, when was the first time that Mr. Ahmed told law  
2 enforcement about the trip to Canada?

3 A. I believe it was August 19th, 2005, when he returned  
4 from Pakistan.

5 Q. At that interview at the airport?

6 A. Correct.

7 Q. Now, here Mr. Sadequee is asking Mughal to pass a  
8 message to Azdee. Did you obtain evidence that Mr. Sadequee  
9 had Azdee's telephone number at the time he was in  
10 Bangladesh?

11 A. Did he have Azdee's telephone number?

12 Q. Uh-huh.

13 A. I can't recall.

14 Q. Okay. Can we take a look at Exhibit 160?  
15 Do you recognize this?

16 A. Yes, I do.

17 Q. What is it?

18 A. It's Ehsanul Sadequee's telephone book.

19 Q. Okay. Can we turn to page four?

20 Where was this obtained by the FBI?

21 A. When Mr. Sadequee left Atlanta en route to Bangladesh,  
22 it was retrieved from his luggage.

23 Q. Is there an entry on the bottom right of that page?

24 A. Yes, there is.

25 Q. What is it?



1 A. It's for Azdee with a telephone number.

2 Q. And what area code does that correspond to?

3 A. 416 corresponds to Toronto, Canada.

4 Q. Going back to Exhibit 227, if we can go to page six, the  
5 bottom half of the page starting at 7:03:19, if you don't  
6 mind blowing that up?

7 Starting at that line, 7:03:19, can you read what  
8 Mr. Sadequee says?

9 A. Tell Bond I haven't been able to check his  
10 messages, if he sent any, to the soccer  
11 field. I don't want to from this computer as  
12 I checked T's messages, and I don't know if it was  
13 bugged. Insha'Allah.

14 Q. Who is Bond?

15 A. Younis Tsouli of the United Kingdom.

16 Q. And did you locate another communication where  
17 Mr. Sadequee discusses what Mr. Ahmed was doing in Pakistan  
18 with Mughal and others?

19 A. Yes, we did.

20 Q. Put up Exhibit 228, please.

21 Just looking at the top half of the page, what date did  
22 this chat occur on?

23 A. September 19, 2005.

24 Q. Okay. Let's take a look at the participants. Who is  
25 the first participant, that Aht48, et cetera?



1 A. That is Waseem Mughal of the United Kingdom.

2 Q. And then there is at the bottom, who do we have, the  
3 very bottom of that blowup?

4 A. Mustadrak@gawab.com, which is Defendant Sadequee.

5 Q. And in the middle there, is that Sbualy?

6 A. Yes, it is.

7 Q. Okay. Could we turn to page 46?

8 At the bottom of the page starting with that line that  
9 starts with "But," what does Mr. Sadequee say?

10 A. But anyways, Azdee, when they came to you, the  
11 doctors, two of them at a time? Not just --

12 Q. Continuing on to the next page?

13 A. -- one doctor?

14 Q. And who responds?

15 A. Sbualy.

16 Q. So on the previous page, Mr. Sadequee was asking Azdee a  
17 question; is that correct?

18 A. Correct.

19 Q. So when -- Sbualy is associated with whom?

20 A. With Azdee.

21 Q. Going to page four, at the very bottom of that page,  
22 Azdee starts to speak at the line 7:04:34. What does he  
23 say?

24 A. Did Mr. T meet with --

25 Q. Continue on to the next page?



1 A. -- him there?

2 Q. And how does Mr. Sadequee respond?

3 A. Yeah, he did. Only once.

4 Q. Does he continue on?

5 A. Yes, he does.

6 Q. Go ahead.

7 A. Mr. Sadequee then says:

8 LOL. Because T was in the capi, AU was in

9 Waaanaa. AU went to the capi to meet Turaab.

10 Q. Who is T?

11 A. Syed Haris Ahmed.

12 Q. And AU?

13 A. Abu Umar.

14 Q. And down there where he says AU went to the capi to meet  
15 Turaab, who is that?

16 A. AU is Abu Umar, and Turaab is Syed Haris Ahmed.

17 Q. And then there is one last line on the bottom of that  
18 page before you continue to the next page. Can you read that  
19 by Mr. Sadequee?

20 A. And the --

21 Q. Continuing on to the next page?

22 A. -- plan was that T was going to soon go to Waanaa,  
23 but then T started wearing white camo in Kara.

24 Also Karachi.

25 Q. And does he continue?



1 A. Yes, he does.

2 Q. Go ahead?

3 A. So he got F'ed up the behind. Yeah, man,  
4 Abu U sent me a PM in TP a long time ago, saying  
5 "tell T to stop wearing sheeshaanee clothing."

6 Q. Now, going to page 41, starting I guess two-thirds of  
7 the way up the page at line 8:11:13, Mr. Sadequee has a  
8 number of lines. Can you read what he says?

9 A. When I was coming to B, the mukhaabr -- or  
10 police -- stopped me because of my hair, long  
11 hair. They had me for about forty-five minutes or  
12 so. They didn't know jack. They don't know  
13 jack.

14 What did they ask you -- Waseem Mughal says,  
15 What did they ask you?

16 Q. Okay. Turning to the next page, page 42?

17 A. Just like what --

18 Q. Who responds?

19 A. Mr. Sadequee responds:

20 Just like, what do you do, where do you work,  
21 study, why you doing to B, where are you going to  
22 stay, et cetera. But that's because they don't  
23 know jack about me.

24 Q. And what does he say under -- just continue for two more  
25 lines?



1 A. LOL about TP.

2 Q. What's TP again?

3 A. Tibyan Publications.

4 Q. Did you ask him about that during the interview?

5 A. No, I did not.

6 Q. Okay. Now, on Mr. Tsouli's media, did you locate any  
7 e-mail buddy list?

8 A. Yes, we did.

9 Q. And what is a buddy list, for the jurors?

10 A. A buddy list is if you chat a lot online and you have  
11 your favorite friends and the people you communicate on a  
12 regular basis with, you would store their names, monikers,  
13 within a buddy list so it's easy to access them.

14 Q. Take a look at Exhibit 229, which I don't think is in  
15 evidence yet.

16 Is this the buddy list that you found on Mr. Tsouli's  
17 computer?

18 A. Yes, it is.

19 MS. COLLINS: Your Honor, we move to admit  
20 Exhibit 229.

21 THE COURT: Any objection?

22 MR. SADEQUEE: No.

23 THE COURT: It's admitted.

24 MS. COLLINS: Thank you.

25 Can we put it up on the screen, please?



1 BY MS. COLLINS:

2 Q. Let take a look at that second entry there, if you could  
3 blow it up? The top half of the page is fine.

4 What are we looking at? What does the buddy account  
5 mean?

6 A. The buddy account is his account, it's this.

7 Q. Okay. And here we are looking at TheDude7\_2005?

8 A. Yes, ma'am.

9 Q. And whose account is that?

10 A. It's associated with Younis Tsouli.

11 Q. Underneath there is another e-mail address next to a  
12 name field. What does that mean?

13 A. That is the buddy Younis Tsouli, he's inputted it on the  
14 address book -- the buddy list, I'm sorry.

15 Q. Looking at page two, the very bottom, what e-mail is  
16 identified as a buddy of TheDude7\_2005?

17 A. Mustadrak@gawab.com.

18 Q. And that's the defendant's e-mail?

19 A. Yes, it is.

20 Q. And page four, does the buddy account switch once you  
21 get to around page four?

22 A. Yes, it does.

23 Q. What's the buddy account that's listed there?

24 A. JohnBlack05@hotmail.com.

25 Q. Can you blow up the middle of the page?



1           And is there an e-mail address for Mr. Sadequee listed  
2 as a buddy at this address?

3       A.     Yes.

4       Q.     Which one is that?

5       A.     Mustadrak@gawab.com.

6       Q.     We heard testimony earlier about Mr. Tsouli's activities  
7 on the Al-Ansar Forum. Did you obtain any communications  
8 involving the defendant where they were talking about the  
9 Ansar Forum?

10      A.     Yes, we did.

11      Q.     Can we put up Exhibit 230?

12           Starting at the bottom of the page, can you read what  
13 Mr. -- what Mr. Sadequee asks JohnBlack05, who has been  
14 identified as Mr. Tsouli?

15      A.     Can you give me a timeline, please?

16      Q.     Sure. It's 6:28:51.

17      A.     Defendant Sadequee says:

18           So Ansar is back? What's this site?

19      Q.     Continuing to the next page, how does Mr. Tsouli  
20 respond?

21      A.           Got no servers, question mark, question  
22 mark.

23           Then Mr. Tsouli responds: Ah, Ansaar.org,  
24 Ansaarnet.org is just temporary.

25      Q.     What date was this chat on?



1 A. October 19, 2005.

2 Q. Now, we have heard testimony about Mirsad Bektasevic.  
3 Did you obtain information that Mr. Sadequee was in contact  
4 with Mr. Bektasevic during the month leading up to  
5 Mr. Bektasevic's arrest in October?

6 A. Yes, we did.

7 Q. Can you put up Exhibit 232?

8 Looking just at the top of the page, the header  
9 information, this isn't a chat with Mr. Bektasevic, is it?

10 A. No, it's not.

11 Q. Okay. And who is it between?

12 A. Between the defendant utilizing Mustadrak@gawab.com and  
13 Azdee, also Sbualy@gmail.com.

14 Q. What is the date?

15 A. October 23, 2005.

16 Q. Is this before or after Mr. Bektasevic was arrested?

17 A. It's after his arrest.

18 Q. Going down to 9:11:29, starting right around there, what  
19 does Mr. Sadequee say?

20 A. Mustadrak@Gawab.com says:

21 Akhee, I just told you about Maximus. Akhee,  
22 I just checked the news, man. Akhee, it was  
23 'imaad. You remember him, right.

24 And Mustadrak puts in an internet address for a news  
25 article.



1 Q. And have you visited that link?

2 A. Yes, I have.

3 Q. And what is it a link to?

4 A. It's a news site which has a detailed description about  
5 the arrest of Mirsad Bektasevic in Sarajevo, Bosnia.

6 Q. So here in this exchange, how does Mr. Sadequee refer to  
7 Mirsad Bektasevic? What does he call him?

8 A. 'Imaad

9 Q. And does he also call him Maximus there at the top of  
10 the page -- or not the top of the page, in the middle?

11 A. Yes, he does.

12 Q. Is what I just wrote, 'Imaad, is that the second name  
13 that he uses, that Mr. Sadequee uses for Bektasevic?

14 A. Yes.

15 Q. Going on to page two, starting at 9:12:42, there is an  
16 exchange between Mr. Sadequee and Azdee. What do they say?

17 A. Mr. Sadequee says: Yeah, you know his Asl?

18 Sbualy responds: Yeah, I know.

19 Mr. Sadequee says: Botswana.

20 Sbualy says: He is Bostwani.

21 Mr. Sadequee says: Akhee, he was there.

22 Then Sbualy says: But he wasn't there. He  
23 came back recently to Viking Land.

24 Mr. Sadequee then says: Akhee, he went back.

25 Trust me, I talked to him on the phone.



1 Q. Okay. In the beginning of that, Mr. Sadequee asks, Do  
2 you know his Asl, which is translated in there as -- oh, it's  
3 not translated, sorry.

4 Okay. When Azdee says he is Bostwani, does Bektasevic  
5 have any relationship to the country of Botswana?

6 A. No, he does not.

7 Q. What country beginning with B does he have a  
8 relationship to?

9 A. Bosnia.

10 Q. Then Azdee goes on to say, But he wasn't there. He came  
11 back recently to Viking Land.

12 What is Viking Land? Where is Bektasevic originally --  
13 where is he residing at that time?

14 A. Prior to arriving in Bosnia, he was living up in  
15 Sweden.

16 Q. Turning to page three, in the middle of the page there,  
17 does Mr. Sadequee provide another link?

18 A. Yes, he does.

19 Q. And what is that link to?

20 A. It's a link to another news article describing the  
21 arrest of Mirsad Bektasevic.

22 Q. And is that what's quoted underneath by Mr. Sadequee?

23 A. Yes, it is.

24 Q. Going down to the very bottom of that page at 9:16:08,  
25 what does Mr. Sadequee say?



1 A. If Bond called him from his home --

2 Q. Continuing on to the next page?

3 A. -- he might be linked to it too, and a sad face.

4 Q. Now, Bond, who is that again?

5 A. Younis Tsouli of the United Kingdom.

6 Q. And how does Azdee respond to this?

7 A. 9:16:16, is that where you want --

8 Q. Uh-huh.

9 A. I'm going to say this. You guys are dumb and  
10 pretty stupid.

11 Q. And what does Mr. Sadequee say to that?

12 A. Akhee, I called him from total anonymous  
13 place.

14 Q. And on page five at 9:16:26, what does Mr. Sadequee ask  
15 Azdee to do?

16 A. I'm sorry, what's the time?

17 Q. 9:19:26.

18 A. Mr. Sadequee says:

19 Akhee, give those two news links to Bond, and  
20 there is a sad face.

21 Then Mr. Sadequee says: Akhee --

22 Q. Before you go on, I just want to skip ahead a little bit  
23 to page six. At 9:22:27, what does Mr. Sadequee say?

24 A. Akhee, me and Bond need to talk, man. Looks  
25 like shoora, and there is a sad face.



1 Q. On page seven, does Mr. Sadequee have another request  
2 for Azdee?

3 A. Which line?

4 Q. I'm sorry, 9:23:29?

5 A. Mr. Sadequee says:

6 Akhee, and ask him where he called Max from,  
7 his home or what, because I had a special cell  
8 bought just to call him, and I called him from a  
9 different location.

10 Q. Okay. Going to page eight starting at 9:24:02?

11 A. Mr. Sadequee says:

12 So I am getting rid of it.

13 Q. A little bit higher. I'm sorry, 9:24:02 -- oh, you are  
14 right, I'm sorry, I apologize. You are right, I'm sorry.

15 A. So I am getting rid of it. LOL. Yeah,  
16 true. But I just wanted you to tell him that I,  
17 insha'Allah, can't be traced back to Maxi. Just  
18 want to know if Bond can be traced.

19 Q. Now, going back to page five, starting at line 9:19:48,  
20 what does Mr. Sadequee say this event, this arrest was going  
21 to have to make him do?

22 A. Akhee, this is going to make me change my  
23 plans again, Wallaah. First the restaurant was  
24 failed, now Botswana.

25 Q. And in the middle of all that, Azdee asks him a



1 question. What does he ask?

2 A. Dude, you were going to Viking cause of Max.

3 Q. And earlier in this chat, we saw Viking was a reference  
4 to what country?

5 A. Sweden.

6 Q. And as well in previous chats, there were references to  
7 restaurant. Where was that?

8 A. Pakistan.

9 Q. And Botswana?

10 A. Bosnia.

11 Q. And how does -- how does Mr. Sadequee answer the  
12 question that Azdee asked him, whether he was going to Sweden  
13 because of Max?

14 A. He responds:

15 Yeah, Max, I never spoke with Ab U el-s.

16 Q. Then down at the bottom, does it say:

17 Only Max knew?

18 A. Correct, that's his next statement:

19 Only Max knew.

20 Q. And Max, is that short for Maximus?

21 A. Yes, it is.

22 Q. Which was another name for Mirsad Bektasevic?

23 A. You are correct.

24 Q. Now, before we go on to further chats, I want to talk  
25 about another moniker that has been used. Take a look at



1 Exhibit 244. Is this --

2 A. Give me one second.

3 Q. Sorry. Is this a post at Tibyan Publications?

4 A. Yes, it.

5 Q. Who are we logged in as?

6 A. Abu Imaad.

7 Q. And whose -- what does this page show?

8 A. It shows the contact information for the person  
9 Abu Imaad, which is the e-mail address located down there at  
10 the bottom is Riyadh\_us\_Saliheen@hotmail.com.

11 Q. Is that the e-mail address that's associated with this  
12 user, Abu Imaad?

13 A. Yes, ma'am.

14 Q. And where was this e-mail address located on any data  
15 that was associated with Mr. Sadequee?

16 A. This was located from the address book.

17 Q. Was it located on any computers associated with  
18 Mr. Sadequee?

19 A. Yes, it was.

20 Q. Which ones?

21 A. The -- I believe the Nowata and the Raksha hard drives.

22 Q. And take a look at Exhibit 246.

23 Is this another page from Tibyan Publications forum?

24 A. Yes, it is.

25 Q. And who again are we logged in as?



1 A. Abu Imaad.

2 Q. And looking at the top there where it says private  
3 messages, sent items, is this an item that Abu Imaad received  
4 or that he sent?

5 A. That he sent.

6 Q. And what is said inside that message? What's the last  
7 line of that?

8 A. Where it says:

9 Brother, I need you online. Come in to  
10 MSN. It's me, Maximus.

11 Q. So is Abu Imaad associated with Maximus?

12 A. Yes, it is, same person.

13 Q. Take a look at Exhibit 233. Looking at the top half of  
14 that page, what's the date of this chat?

15 A. September 21, 2005.

16 Q. And who are the participants?

17 A. The TheDude7\_2005@hotmail.com, also known as  
18 Younis Tsouli. The next user is As-sandzakee@hotmail.com,  
19 also known as Mirsad Bektasevic. The next participant is  
20 Mustadrak@gawab.com, which is Defendant Sadequee.

21 Q. And it looks like in here that first line  
22 As-Sandzakee -- and we will talk about that e-mail address in  
23 a second -- is addressing someone named John?

24 A. Correct.

25 Q. And further down, Mr. Sadequee also addresses John.



1 A. Correct.

2 Q. Who is the third person who comes into this chat further  
3 down? If you can back out of this? Who responds to both of  
4 those comments about John?

5 A. TheDude7\_2005@hotmail.com.

6 Q. So in this chat when they are referring to John, who are  
7 they referring to?

8 A. TheDude7\_2005@hotmail.com, which is Younis Tsouli.

9 Q. And looking at As-Sandzakee, going to page 21, in the  
10 middle of the page there, 2:43:51, TheDude, Mr. Tsouli, asks  
11 a question. What does he say?

12 A. Max, you can try record a vid?

13 Q. And who responds to that?

14 A. Mirsad Bektasevic does. He answers: Yeah.

15 Q. Okay. So As-Sandzakee is then associated with Max --

16 A. Correct.

17 Q. -- who is Mirsad Bektasevic?

18 A. Yes.

19 Q. Now, in this chat, do they talk about videos that  
20 Mr. Sadequee had filmed?

21 A. That Mr. Sadequee had helped with.

22 Q. Okay. Turn to page 29. Starting at line 2:56:13, can  
23 you read what Mr. Sadequee says?

24 A. Bro, Maximus, me and a few bros filmed some  
25 pornos in the house where Pharaoh lives.



1 Q. A few lines down?

2 A. I am talking about releasing those with a  
3 bayaan saying, "Aqua in the Land of the Two  
4 Towers."

5 Q. Pharaoh is a word that you have seen in prior  
6 communications?

7 A. Yes.

8 Q. And what does it mean?

9 A. Pharaoh is a reference to the United States.

10 Q. And talking about a bayaan, what is a bayaan?

11 A. A bayaan, as the translation says, it's an  
12 announcement. It's also I think of it as a mission  
13 statement.

14 Q. And saying "Aqua in the Land of the Two Towers,"  
15 Aqua, is that a word that we will see in future  
16 communications as well as we have seen in others?

17 A. Yes.

18 Q. And what does it stand for?

19 A. Aqua is a reference to Al-Qaeda.

20 Q. And the land of the Two Towers?

21 A. Land of the Two Towers is again a reference to the  
22 United States. The Two Towers is a reference to the World  
23 Trade Center.

24 Q. Going back to page 22, backtrack a little bit, does  
25 Mr. Sadequee explain why he wants to make this video?



1 A. Yes.

2 Q. Okay. Starting at 2:44:58, can you read -- continuing  
3 down to 2:45:32, can you read what Mr. Sadequee says?

4 A. Bro, listen, I know a shaykh, a friend of  
5 Shaykh al-Maqdisi. He's a shaykh and a  
6 businessman. He is on the 'Aqeedah and  
7 curriculum. I know him personally. He's  
8 100 percent trustworthy.

9 Q. And starting at 2:46:22?

10 A. Right now he thinks we are just kids, me and  
11 another bro, and just overexcited. But if we can  
12 get this into the news, in this bayaan, I want to  
13 mention him as the "head of the Shar'ee Committee,"  
14 because if we do that, he will know that we are  
15 real, and in the game, and he will give us  
16 funding. And he might have links too.

17 Q. That's enough.

18 A. Sorry.

19 Q. And going to page 24, starting at 2:48:09 down to  
20 2:48:35, what does Mr. Sadequee continue to say?

21 A. Well, the bro who is in contact with him right  
22 now, he told him about us, that we are in  
23 Aqua Two Ts now, but he thought we are  
24 overexcited. So if we can prove our legitimacy,  
25 then he would give us funding.



1 Q. Then on page 25, starting at the very bottom of the  
2 page, what does Mr. Sadequee continue to say?

3 A. If we can just release this vid/bayaan and get  
4 it into the headlines, he will believe us and know  
5 we are legit.

6 Q. And the next line?

7 A. And then he will give us -- there is three  
8 dollar signs.

9 Q. Now, going back to page 29, how does -- how does  
10 Bektasevic respond after Mr. Sadequee talks about have you  
11 seen the videos. And the videos, he talks about pornos in  
12 the house where Pharaoh lives, what is that a reference to?

13 A. Washington, D.C., videos.

14 Q. And after he talks about releasing those with a bayaan,  
15 how does Mr. Bektasevic respond?

16 A. Mr. Bektasevic responds:

17 Akhee, we already have a bayaan. We now need  
18 to act upon what we say. And Akhee, one thing.  
19 Which name you want to us? The name I already  
20 have?

21 Q. And what does Mr. Sadequee say in response?

22 A. Mr. Sadequee responds:

23 What about Aqua in Bilaad Ar-Room.

24 Q. And is that also a reference to Al-Qaeda?

25 A. Yes.



1 Q. And what does Bektasevic say to that?

2 A. We can't change names now.

3 Q. And then Mr. Tsouli comes in. What does he say?

4 A. Mr. Tsouli says:

5 Yeah, no need to. Northern Europe.

6 Q. Does he continue one line below where Mr. Bektasevic  
7 breaks in?

8 A. He says:

9 Northern Europe is cool.

10 Q. And continuing down just -- there is some more  
11 interruption. Mr. Tsouli, what else does he say?

12 A. It is this, why you need to stick with it.

13 Q. Then how does Mr. Bektasevic respond to that?

14 A. Well, if we change it now, and we haven't done  
15 anything and just give out vids.

16 And, Akhee, one thing --

17 Q. Oh, I think that's an interruption by

18 Mr. Sadequee. What does Mr. Bektasevic continue to say?

19 A. Then we gonna lose the PR stuff. People are  
20 gonna say they just make names and make vids. No,  
21 no, Akhee, I don't care about the name. It's just  
22 we already have this name.

23 Q. Okay. And continue on?

24 A. And I said "The name I used" because I don't  
25 want to write the name. So I said that just so you



1 understand what I talk about.

2 Q. Okay. Then going on page 32, how does Mr. Tsouli  
3 resolve this starting at 3:01:40?

4 A. Max, forget about names.

5 Q. And he continues on?

6 A. You are northern Europe, as in bayaan.

7 Q. And he continues further down.

8 A. Okay. Now, Mustadrak, the vids, if we  
9 release them, it be Aqua. No burjayn, not  
10 firaawn, nothing. Just Aqua. Okay? Because one,  
11 it will sound more credible. Two, it will be more  
12 easily understood by all. For many reasons, just  
13 Aqua.

14 Q. Now, earlier on back, on page 29, Mr. Bektasevic said,  
15 We already have a bayaan. And then on page 32 -- if we can  
16 go back -- right in the middle of the page, Mr. Tsouli says,  
17 You are NR Europe as in bayaan.

18 Did the FBI locate any type of bayaan or announcement  
19 related to Europe by Mr. Bektasevic?

20 A. Yes, we did.

21 Q. And where did you locate that?

22 A. The Al-Ansar web forum.

23 Q. And what did that bayaan talk about?

24 A. It talks about Al-Qaeda in Northern Europe. And as  
25 I mentioned before, it's kind of like their mission statement



1 on what they want to do and their reasons for doing that.

2 Q. And what name did Bektasevic use to post that?

3 A. Abu Imaad.

4 Q. Now, going to page 35, at the very top of the page,  
5 there is a line by Mr. Bektasevic, and what does he say?

6 A. This, how about about this NR EU, are all of us the same  
7 jama'at or not?

8 Q. And jama'at is translated as how?

9 A. As group.

10 Q. And going on to page 39, does Mr. Bektasevic continue to  
11 ask this question starting at 3:11:04?

12 A. Yes, he does.

13 Q. What does he say?

14 A. The main thing now, guys, I need to know  
15 this. I think we all need to know this. Are we a  
16 jama'at, are we NR?

17 Q. Sorry to interrupt. When he's referring to NR, is that  
18 a reference back to the NR Europe?

19 A. Yes, to Northern Europe.

20 Q. Is that reference to that video announcement -- not  
21 video announcement, but the announcement for Al-Qaeda in  
22 Northern Europe?

23 A. Yes, it is.

24 Q. And how does Tsouli respond to that?

25 A. Max, of course we bloody are.



1 Q. And on the top of page 40, at the top of that page, does  
2 Mr. Sadequee respond?

3 A. Yes, he does.

4 Q. What does he say?

5 A. Yeah, we one ummah.

6 Q. And continuing down to the middle of the page?

7 A. Mr. Sadequee writes:

8 LOL. Look, in practical reality, we are one  
9 and cooperating, but in the vid bayaan, we will  
10 only use the "Aqua" and nothing else.

11 Q. I would like to put up Exhibit 242.

12 Now, explain to the jury what this is?

13 A. This is from the Al-Ansar Forum, which is in all  
14 Arabic. This is a thread of messages.

15 Q. What's the date of this -- is this the first posting in  
16 this thread that we are looking at that starts on this first  
17 page?

18 A. Yes, it is.

19 Q. And what's the date on that?

20 A. September 11, 2005.

21 Q. And can we flip to Exhibit 242-A?

22 Actually, I'm sorry, let's go back to 242, that first  
23 page. If we could just show the second page?

24 Did you locate this thread on Al-Ansar?

25 A. Yes.



1 Q. Okay. And is this part of that first posting that we  
2 saw?

3 A. Yes, it is.

4 Q. And does it -- are there further postings underneath  
5 here?

6 A. Yes, there are.

7 Q. And going down to page two -- I mean, three, are these  
8 subsequent posts on the same thread?

9 A. Yes, they are.

10 Q. Okay. And there is a Post No. 4 on page four. Are  
11 those numbers, are there some regular numerals on this post,  
12 on the left side of this post?

13 A. Yes.

14 Q. What does it say?

15 A. 0-0-7.

16 Q. Is that double-0-7?

17 A. Correct. That's associated with Younis Tsouli.

18 Q. Okay. We will see that on Exhibit 242-A. If we can  
19 pull that up?

20 Now, this first page, does this correspond to the first  
21 post?

22 A. Yes, it does. That's the translation of the bayaan.

23 Q. Okay. And can you read what the title is underneath  
24 that solid line?

25 A. "Announcement for Founding the Al-Qaeda for Jihad



1 Charter in Northern Europe."

2 Q. And let's go down to the third paragraph. Can you read  
3 that?

4 A. This is so that we may elevate, defend and  
5 remove injustice and malice from our Muslim  
6 brethren everywhere. For the sake of those whose  
7 land has been seized and their honor violated all  
8 over the world which is evident and cannot be  
9 ignored because we see all that is holy desecrated,  
10 possessions and riches of the Muslim people being  
11 defiled and robbed by the bitter infidels and  
12 their allies as well as the apostate leaders.  
13 However, this did not suffice, but they had to  
14 imprison, torture and rape our Muslim brothers and  
15 sisters.

16 Therefore, this is the reason we announce the  
17 founding Al-Qaeda in Northern Europe. The  
18 continuous blood letting of Muslims will not be  
19 lost in vain. We swear by God who raised the  
20 heavens without any pillars that we will sacrifice  
21 ourselves and our bodies for this religion so that  
22 we may raise the flag of Mujahideen and to protect  
23 the lives of Muslims just as our brothers have done  
24 in England.

25 Q. Now, if we can back out of that. The date on this is



1 September 11, 2005?

2 A. Correct.

3 Q. Was there any event, any terrorist event that occurred  
4 in England prior to this in 2005?

5 A. I'm sorry, repeat the question?

6 Q. The question is at that bottom there, it says, Just as  
7 our brothers have done in England?

8 A. Correct.

9 Q. Before this bayaan was issued, was there any terrorist  
10 attack in the United Kingdom?

11 A. Yes. On July 7, 2005, there was the bombing of the Tube  
12 and the buses in England.

13 Q. And going down to the very bottom of the page, what does  
14 it say?

15 A. "Al-Qaeda in Northern Europe," and then there is a date  
16 and time stamp.

17 Q. And the date that's on the left is what?

18 A. The date it was posted.

19 Q. And does that go year, month, day?

20 A. Correct.

21 Q. Okay. And the time, what does it say at the bottom  
22 there about time?

23 A. It says "New York time 8:46 a.m."

24 Q. Is there any significance to that time?

25 A. 8:46 a.m. is the time on September 11, 2001, the



1 first plane crashed in the North Tower at the World Trade  
2 Center.

3 Q. Now, when we were looking at the Arabic version, the  
4 original version of this thread, there was a post by someone  
5 with the initials 007. Looking at page two of 242-A, is  
6 there a translation of that post?

7 A. Yes, there is.

8 Q. And who is the poster?

9 A. Irhabi 007, also known as Younis Tsouli.

10 Q. And what does he say?

11 A. He says:

12 Allah is great. They have set out on  
13 Allah's pool. Blood, blood and destruction,  
14 destruction.

15 Q. And then at the very bottom of 242-A or the post right  
16 underneath there on page two, is this also one of the posts  
17 in the thread?

18 A. Yes, it is.

19 Q. And who is the poster?

20 A. Abu Imaad, also known as Mirsad Bektasevic.

21 Q. Looks like there is two JPEG files?

22 A. Correct.

23 Q. Are those computer files basically?

24 A. Yes, they are.

25 Q. Did you go to those two files?



1 A. Yes.

2 Q. And what were they?

3 A. They are two different printouts of the bayaan message  
4 in Arabic.

5 Q. Take a look at Exhibit 241. Is this one of --

6 A. Yes.

7 Q. -- one of the versions of the bayaan that you looked  
8 at?

9 A. Yes, it is.

10 Q. And Exhibit 241-A, is this the translation of  
11 Exhibit 241?

12 A. Yes, it.

13 Q. And does it contain the same similar text to what we  
14 just read in Exhibit 242-A?

15 A. Yes, it does.

16 Q. Going back to Exhibit 233 on page 40, after the part  
17 that you read where Mr. Sadequee says, We are one and  
18 cooperating, how does -- what does Mr. Bektasevic say in  
19 response?

20 A. Can you give me a timeline, please?

21 Q. I'm sorry. It's 3:13:19.

22 A. Okay. When the Aqua ask who is the amir,  
23 Akhee, we need to take this serious, because if  
24 we don't know the answers, then people gonna  
25 laugh at us. LOL. We need to know this kind of



1                   stuff --

2       Q.     And does he continue one more line?

3       A.             -- to create a base.

4       Q.     And Aqua is who again?

5       A.     It's a reference to Al-Qaeda.

6       Q.     Going down to page 44, at line 3:20:23, how does  
7       Mr. Sadequee respond to Bektasevic's request for some type of  
8       organization or leader?

9       A.     At 3:19:23?

10      Q.     At 3:20:23, the bottom third of the page.

11      A.     Mr. Sadequee says:

12                         How about this. You are field commander, and  
13                         I am spokesman, and Yoonus is networking and  
14                         linking.

15      Q.     And Yoonus, is that a reference to who?

16      A.     It's to Younis Tsouli.

17      Q.     And then how does Bektasevic respond to that?

18      A.             That sounds good, but who is the head  
19                         chicken? For all this, who has the last  
20                         decision?

21      Q.     And going down the very last line, what does Mr. Tsouli  
22      say the head chicken is?

23      A.             Head chicken is Siliconman.

24      Q.     Going to page 46, a couple of lines down from the top of  
25      the page, what does Mr. Bektasevic say? Who does he identify



1 as the leader?

2 A. Okay, Mustadrak, you are the ameer now and you  
3 have the control of this. Just tell me what needs  
4 to be done. But Mustadrak, I gonna tell the crew  
5 that I take orders from the leader? I gonna  
6 mention your name?

7 Q. Okay. What does Mr. Sadequee say?

8 A. Mr. Sadequee responds:

9 What? I am ameer? LOL. Ikhwaan, I am  
10 married. I can't be ameer.

11 Q. And then what was his suggestion, Mr. Sadequee's  
12 suggestion?

13 A. Akhee, Sand, you are the ameer of the field.

14 Q. And then how does he, Mr. Sadequee, continue at the  
15 bottom?

16 A. And as for important decision-making, then we  
17 will always do shoora.

18 Q. Okay. Now, after going back to page 33, at the bottom  
19 of the page, does Bektasevic ask about what's going to go  
20 into the video bayaan that they are doing?

21 A. Yes, he does.

22 Q. And what does he say?

23 A. And in the bayaan, you mention Northern  
24 Europe, the jama'at, understand me?

25 Q. And how does Mr. Tsouli respond?



1 A. Mr. Tsouli responds:

2 If you want to, okay, that's good. but like  
3 how.

4 Q. Continuing on?

5 A. We need to say greetings to the bros in  
6 Two Rivers, Two Places, Northern Europe, Chech,  
7 Ind, et cetera.

8 Q. Two Rivers, what's that a reference to?

9 A. Two Rivers is a reference to Iraq.

10 Q. And Chech?

11 A. Chechnya.

12 Q. And down at the bottom of the page, what does

13 Mr. Sadequee volunteer to do? I'm sorry, 3:05:18.

14 A. Mr. Sadequee says:

15 But, Akhee, let me type up a bayaan. It will  
16 be a bit longer than usual and you can edit it.

17 Q. And on page 36 at 3:07:17, what is Mr. Tsouli's idea for  
18 what should be in there?

19 A. Mr. Tsouli says:

20 Most important is have as silaah -- which is  
21 defined as weapons -- on the background, and a  
22 mushaaf -- or Quran.

23 Q. And on page 37 at 3:09:03, Mr. Tsouli continues to talk  
24 about that.

25 A. 3:09:03?



1 Q. Uh-huh.

2 A. Mr. Tsouli says:

3 Serious, we need silah -- weapons -- on  
4 background.

5 Q. Continuing on to page 38, 3:09:12 is the next line that  
6 Mr. Tsouli says, if you can continue down and read those?

7 A. Because it means for real.

8 Q. Okay. And in the very next line, Bektasevic starts  
9 talking. What does he say?

10 A. Guys, wait, wait. I gonna have a small  
11 training, you know, in Botswana. I gonna train  
12 some guys. I can record that.

13 Q. Earlier we saw Botswana is a reference to what?

14 A. It's a reference to Bosnia.

15 Q. And continue on with what Mr. Tsouli says after, I can  
16 record that?

17 A. Mr. Tsouli says:

18 But you ain't got no camera.

19 Q. And then how does Mr. Sadequee respond?

20 A. Mr. Sadequee responds:

21 Akhee, yeah, let's do this.

22 Q. And then Mr. Bektasevic continues?

23 A. And you can have it in the bayaan. I buy  
24 one.

25 Q. On page 39 at 3:10:37, what is Mr. Sadequee's vision for



1 this announcement?

2 A. I do the bayaan normally, and then we show  
3 these bros training, with their faces covered, and  
4 them making kabooms, and then show clips from the  
5 porns, et cetera.

6 Q. Porns earlier in this chat were used to refer to what?

7 A. The D.C. videos.

8 Q. Okay. Page 41, line 3:15:03, there is a couple lines by  
9 Mr. Sadequee. And what does he say?

10 A. Bro, I am envisioning this vid. I will do  
11 this bayaan, face covered, and then after done, we  
12 show the porns and the babes, and then we show  
13 Maximus and the education, Allaahu Akbar. It will  
14 irhaab the pharaohs.

15 Q. Then on page 42 -- and pharaohs is a reference to what?  
16 I'm sorry.

17 A. To the United States.

18 Q. Okay. Then on page 42 at 3:17:25, what is  
19 Mr. Sadequee's idea?

20 A. Mr. Sadequee says:

21 Bro, Max: Can you make it seem the training  
22 is in Pharaoh's land?

23 Q. Okay. And continuing on to page 43, does Mr. Sadequee  
24 ask him about the type of training that he's doing?

25 A. Yes, he does. Mr. Sadequee says:



1                   Like, what type of training? Is it bows and  
2                   arrows, or trap making?

3   Q.   And 3:18:07, how does Bektasevic respond?

4   A.   Mr. Bektasevic responds:

5                   The basics, some mini stuff and some heavy  
6                   stuff. RP, knife throwing.

7   Q.   What does Mr. Sadequee ask him just below?

8   A.             What about how to make River style traps?

9   Q.   And River style, what's the River a reference to?

10   A.   It's a reference to Iraq.

11   Q.   And how does Mr. Bektasevic respond?

12   A.             Don't ask again. It's obvious.

13   Q.   That was Mr. Tsouli. How does Mr. Bektasevic respond  
14   just one line below?

15   A.             I have a guy who gonna teach us.

16   Q.   Now, going on to Exhibit 226, what's the date of this  
17   chat?

18   A.   September 22, 2005.

19   Q.   So is this the next day after the chat we just read?

20   A.   Yes, it is.

21   Q.   And who is speaking to whom?

22   A.   TheDude7\_2005@hotmail.com, Younis Tsouli,  
23   Mustadrak@gawab.com, Defendant Sadequee.

24   Q.   And what does Mr. Sadequee say?

25   A.             I will get you the capital vids, insha'Allah,



1           sometime by the weekend, plus there will be some  
2           new ones from the city of burjayn -- or Two  
3           Towers -- itself stockings, if you know what  
4           I mean.

5   Q.   That reference to the city of Two Towers, what is  
6   that?

7   A.   That's a reference to New York City, New York.

8   Q.   Where the World Trade Center was located?

9   A.   Correct.

10   Q.   And continuing down, how does Tsouli respond?

11   A.   Tsouli responds:

12           LOL, Al hamdulilah. I need examine them, edit  
13           them, work on them. LOOOOL. Dude, more work.  
14           Then there is a happy face.

15           LOL. Yeah, I need examine them properly, not  
16           to give away things. You think I should for  
17           example blur cars number plates?

18   Q.   How does -- how does Mr. Sadequee respond to that?

19   A.           But our car number isn't there. Only floating  
20           nonbelievers. LOL.

21   Q.   Have you reviewed the D.C. videos?

22   A.   Yes, I have.

23   Q.   Did any of them, did the exterior or the license plates  
24   of the car that they used to film those or to drive up there,  
25   did that appear in any of the videos?



1 A. No, it did not.

2 MS. COLLINS: Your Honor, I just looked at my watch  
3 and realized it's 12:45. I'm not sure when you want to stop  
4 for lunch, but we are about to go on to another  
5 communication.

6 THE COURT: I guess I was going to stop when you  
7 were over, but now I'm afraid when that might be.

8 MS. COLLINS: There are a few more chats.

9 THE COURT: How long do you think you have?

10 MS. COLLINS: Probably another twenty minutes.

11 THE COURT: Would you like to break for lunch, then  
12 come back and finish up direct exam and go right into the  
13 cross? I think that makes sense.

14 All right. We are going to break for lunch. We  
15 will reconvene at quarter till.

16 Again the evidence is still coming in. Do not  
17 discuss it amongst yourselves. We will be in recess for  
18 about an hour.

19 (In open court without a jury present:)

20 THE COURT: Anything we need to discuss before we  
21 break for lunch?

22 MS. COLLINS: Not from the government.

23 MR. SADEQUEE: I would request an extra thirty  
24 minutes. Today is Friday. I need some extra time for prayer  
25 break.



1 THE COURT: What time does your prayer start?

2 MR. SADEQUEE: About 1:15 or so.

3 THE COURT: And how long do you need to pray?

4 MR. SADEQUEE: The prayer would take maybe ten,  
5 fifteen minutes, but also on Fridays we recite a special  
6 chapter from the Quran which takes some time.

7 THE COURT: So what are you proposing, we break  
8 until when?

9 MR. SADEQUEE: I'm just asking for an hour and  
10 thirty minutes.

11 THE COURT: That's a long lunch break. I mean, the  
12 jurors have been here --

13 MR. SADEQUEE: An hour and fifteen minutes?

14 THE COURT: All right. We will reconvene at  
15 2:00. We need to be ready to go then.

16 All right. Anything else we need to bring up?

17 MS. COLLINS: Not from the government.

18 MR. SAMUEL: I assume we don't need witnesses this  
19 afternoon? You have two witnesses plus Mr. Kohlmann after  
20 Agent Scherck?

21 MR. McBURNEY: I think that's fair. If we end, it  
22 will -- we should end today, but it will be pushing up  
23 against 5:00 depending on the cross.

24 THE COURT: Why don't you go ahead and release your  
25 witnesses.



1 MR. SAMUEL: Thank you.

2 THE COURT: Is the AP reporter here, by any  
3 chance?

4 Well, Pat, if I could talk to you for a second,  
5 maybe you can communicate something to them, just a  
6 correction.

7 Anything else we need to discuss?

8 All right. We will be in recess.

9 (A recess is taken at 12:45 p.m.)

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Friday Afternoon Session

August 7, 2009

2:02 p.m.

-- -- --

(In open court without a jury present:)

THE COURT: Anything we need to discuss before we bring the jurors back in?

MS. COLLINS: No, Your Honor.

THE COURT: Mr. Sadequee?

MR. SADEQUEE: No.

THE COURT: Can we bring them back in, please?

(In open court with a jury present:)

THE COURT: I hope you had a good lunch. We are still in the government's case. Please continue.

MS. COLLINS: Thank you.

BY MS. COLLINS:

Q. Before we move on to some more communications, I wrote up one of the e-mail addresses that we have been looking at, this As-Sandzakee. Who is that identified with?

A. Mirsad Bektasevic.

Q. And we also saw some communications involving Sbualy; is that right?

A. Yes.

Q. And who is that?

A. Azdee Omani.



1 Q. And last this Riyadh\_us\_Saliheen, who is that associated  
2 with?

3 A. That's associated with Mirsad Bektasevic.

4 Q. If we could put up Exhibit 235, please, and blowing up  
5 from 2:25:41 to 2:26:29, just the top third of the page?

6 What date is this chat?

7 A. October 15, 2005.

8 Q. And who are the -- is Mr. Sadequee one of the  
9 participants?

10 A. Yes, he is.

11 Q. And there is another participant, Simon\_says@gawab.com.  
12 Are there any more participants in this chat?

13 A. No, there is not.

14 Q. All right. In line 2:26:25, who does Mr. Sadequee  
15 address?

16 A. Max.

17 Q. And who answers?

18 A. Simon\_says@gawab.com responds: Yeah.

19 Q. And Max is who?

20 A. Mirsad Bektasevic.

21 Q. So who is associated with Simon\_says?

22 A. Mirsad Bektasevic.

23 Q. Okay. Turning to page three, starting at line 2:35:20,  
24 what does the defendant say?

25 A. Defendant Sadequee says:



1 Akhee, did you make the vids?

2 Q. And how does Bektasevic respond?

3 A. Yeah, it's done. Just a sek.

4 Q. Exhibit 236, please?

5 Starting at line 2:40:46, what does the defendant say?

6 A. Defendant Sadequee says:

7 Akhee, vid is digital or VHS?

8 Q. And how does -- who is the other participant in this?

9 A. Mirsad Bektasevic.

10 Q. Using that Simon\_says?

11 A. Yes.

12 Q. And how does he respond?

13 A. He responds: VHS.

14 Q. And does this chat occur on the same day as the one we  
15 just looked at?

16 A. Yes, it does.

17 Q. Just a continuation of that conversation?

18 A. Yes, it's just a continuation.

19 Q. Okay. Going on to Exhibit 234, if we can look at the  
20 header information at the top of this, what date does this  
21 chat occur on?

22 A. October 19, 2005.

23 Q. Who are the participants?

24 A. Defendant Sadequee using Mustadrak@gawab.com and Azdee  
25 using Sbualy@gmail.com.



1 Q. And going to page 27, starting at line 8:48:57 through  
2 8:49:21, what question does Azdee ask?

3 A. Did Bond tell you he was going to release your  
4 things publicly, the vids?

5 Q. And just below that, how does the defendant respond?

6 A. Defendant Sadequee responds:

7 Akhee, we are, insha'Allah. Man, I thought  
8 you didn't know, so I wasn't going to tell  
9 you. LOL.

10 Q. And down at 8:49:49 through to the next page, what does  
11 the defendant say?

12 A. Akhee, it's going to make them piss. Yeah, it  
13 will awaken them.

14 Q. And on line 8:50:01, what does Azdee say in response?

15 A. They can catch on your time of that  
16 thing. Remember the Chinese guy.

17 Q. This reference to the Chinese guy, what is that a  
18 reference to?

19 A. At the time that Defendant Sadequee was in Washington,  
20 D.C., in April of 2005, there was a Chinese national that  
21 went out in front of the Capitol Building and was arrested  
22 for having some packages with him.

23 Q. And how does the defendant respond to Azdee's concern  
24 starting at 8:50:12?

25 A. Defendant Sadequee responds:



1                   Yeah, but the thing is we aren't going to show  
2                   those clips, just some random buildings from the  
3                   area. It won't be bait, trust me, insha'Allah.

4       Q.     And does he continue down at 8:51:23?

5       A.     Yes, he does.

6                   They will have no clue when it was done, plus  
7                   it will be released with a bayaan, insha'Allah.  
8                   And we even thought of a name, but you can't tell  
9                   anyone.

10      Q.     Okay. And then at 8:52:06, what does the defendant say?

11      A.     Defendant Sadequee says:

12                   But thing is we want to do it before 'eed, so  
13                   that it's like a glad tidings. LOL. But you know  
14                   a good thing about it is nothing, insha'Allah, is  
15                   going to happen there for at least another good  
16                   year. So if they increase their security, they are  
17                   only tiring their resources, losing money, people  
18                   getting bored of high alerts, et cetera, and they  
19                   accustomed to it and start joking about the alerts;  
20                   right?

21      Q.     Now, I would like to talk a little bit about another  
22               topic that's been in these communications. I would like to  
23               go back to Exhibit 232.

24               This is the chat on October 23, 2005, between who and  
25               who?



1 A. Between Defendant Sadequee and Sbualy@gmail.com or  
2 Azdee Omani.

3 Q. Go to page six. Starting at 9:21:10, what does Azdee  
4 ask the defendant?

5 A. Dude, you wanted to go Botswana.

6 Q. Earlier in this same chat we saw Botswana was what?

7 A. It's a reference to Bosnia.

8 Q. And what does Mr. Sadequee say at 9:21:35?

9 A. Yeah, to get education.

10 Q. And does he continue on?

11 A. But I wanted to settle in Viking to get the  
12 plans and organization straightened out.

13 Q. And Viking is what?

14 A. Viking is a code name for Sweden.

15 Q. Exhibit 233, starting at 1:50:33 to 1:51:42, can you  
16 read that exchange?

17 A. Mirsad Bektasevic says:

18 John, I need an advice here. You think I  
19 should wait until we get Curriman here? Then I go  
20 down to Botswana? Or I go and try to find someone  
21 here who can do it for me?

22 Q. And how does Mr. Sadequee -- how does the defendant  
23 respond?

24 A. Defendant Sadequee responds:

25 Because, John, I want to come to Max's land



1           ASAP, because here there is a severe crackdown  
2           going on.

3       Q.     And continuing to page three, line 2:09:40, what does  
4       Bektasevic start saying here, and then he continues on to the  
5       next page?

6       A.               Well, even if I get the visa for him, it's  
7               hard. I need two for his wife too.

8       Q.     What does Tsouli say in between?

9       A.               He doesn't need visum. His wife might.

10      Q.     And Bektasevic continues?

11      A.               Job visa. I thought both wanted? Ahaaa.

12      Q.     How does the defendant, what does he interpose in there?

13      A.     Defendant Sadequee says:

14                       I don't need visa if I come as a tourist. But  
15               I can only stay for a max of three months.

16      Q.     And then Bektasevic responds with?

17      A.               Ahaaa. Only job visa for you wife, got it,  
18               I forgot. Okay, so . . . I stay?

19      Q.     Go on to page five. Starting at 2:11:30 to 2:12:00,  
20      what does Bektasevic say?

21      A.               I think he should wait there to, just for a  
22               month or so. LOL. Yeah, just don't do anything.

23      Q.     Then at 2:12:14, how does the defendant respond?

24      A.     Defendant Sadequee responds:

25                       But, bro, right here, I will be using up more



1                   and more money, costs, et cetera.

2       Q.     And down at the bottom at 2:13:03, what does the  
3       defendant say?

4       A.     Defendant Sadequee says:

5                   I know, but if you take longer than one month,

6                   I might not have enough to even come to SW.

7       SW is a reference to Sweden.

8       Q.     And continue on. What does he continue to say?

9       A.                LOL. Plus, anything could happen to  
10       you. What if we lose you?

11      Q.     And what does Bektasevic say?

12      A.                I will be there Maximus one month.

13      Q.     Okay. Going down to 2:14:33, what does the defendant  
14      say?

15      A.                Man, what if Aqua does something in Botswana?

16                   You will be stuck.

17      Q.     Aqua has been a reference to what throughout these chats?

18      A.     Aqua is a reference to al-Qaeda.

19      Q.     And Botswana?

20      A.     To Bosnia.

21      Q.     Continuing on to the next page, how does Bektasevic  
22      respond?

23      A.                Haha, Akhee, they won't. I know the people  
24                   there.

25      Q.     And 2:15:24, what other concern does the defendant bring



1 up?

2 A. Defendant Sadequee says:

3 Plus you might get trouble on your way  
4 bringing them back, reading what?

5 Q. Okay. 2:16:22, what does the defendant say?

6 A. Man, Akhee, at least leave after I get the  
7 visa.

8 Q. And starting on page eight at the top, 2:16:41, what  
9 does Bektasevic say, and then how does the defendant  
10 respond?

11 A. But, Akhee, that can take long time, minimum  
12 two to three weeks.

13 Defendant Sadequee responds: You can leave  
14 before I come, but at least after the visa headache  
15 is over. Man, why do you have to leave right now?

16 Q. Sorry, I didn't mean to interrupt.

17 Going on to page nine, between 2:18:31 and then 2:19:36,  
18 what does -- can you read that exchange?

19 A. Mr. Bektasevic says:

20 This is my promise to you. I see you as my  
21 own brother belove me, and I won't anything  
22 happened you you if I am able to help you and I  
23 will do my best. But, Akhee, we need to move on  
24 and not wait much, and this visa thing is not so  
25 easy because, Akhee, I need to depend on other



1                   brothers.

2       Q.     What does the defendant say a couple of lines below?

3       A.             Because, Akhee, the only reason I want to  
4                   hurry and come to SW is because here there is  
5                   severe boiling crackdown.

6       Q.     And at the bottom, what's the last thing that Bektasevic  
7             says?

8       A.             And I promise you, I will come back in a month  
9                   even if I don't have anything with me.

10      Q.     Can you put up Exhibit 235?

11             On the first page at line 2:27:39, can you read what the  
12     defendant says? And continue on down through the exchange,  
13     through the end of the page.

14      A.     Okay. Defendant Sadequee says:

15                   Akhee, you back in SW?

16                   Mr. Bektasevic responds: Not yet. In about a  
17     week, insha'Allah.

18                   Defendant Sadequee responds: How is  
19     everything?

20             Mr. Bektasevic responds with the parens with Y.

21      Q.     Let me interrupt you. I'm sorry, I know I told you to  
22     continue, but I just wanted to ask you, the defendant is  
23     asking Bektasevic if he's back in Sweden. Where was  
24     Bektasevic at the time of this chat?

25      A.     At the time of this chat on October 15, 2005,



1 Mr. Bektasevic was in Sarajevo, Bosnia.

2 Q. You can continue starting at 2:28:02.

3 A. Defendant Sadequee says:

4 I was going to call you on Tuesday night.

5 Mr. Bektasevic responds: Tell me about your  
6 jamaa. Is everything good with it?

7 Mr. Sadequee responds: Yes, Akhee. We got  
8 bros ready, just waiting. Akhee, it's like  
9 this. They will send two bros to come and first  
10 check out the situation and talk to you, and see  
11 how good our plans are. And if they like it, they  
12 will tell the rest of the bros to join with us.

13 Q. And what does Bektasevic say in response to that?

14 A. Come to swe or bottlds.

15 Q. What is that reference to swe or bottlds?

16 A. S-w-e is a reference to Sweden. B-o-t-t-l-d-s is just  
17 another reference to Bosnia.

18 Q. And two lines down at 2:31:34, how does the defendant  
19 respond to that question?

20 A. They will first come to SW, insha'Allah, but  
21 most likely they will reside in UK, but visit us in  
22 SW.

23 Q. Visit us in where?

24 A. SW or Sweden.

25 Q. And the line just above that at 2:31:07, what does the



1 defendant ask?

2 A. Defendant Sadequee says:

3 Akhee, did Yoonus give you the documents?

4 Q. Continuing down at 2:32:05, how does Bektasevic respond?

5 A. I saw the documents.

6 Q. And keep going.

7 A. I know, we take care of that when I come.

8 Q. Then what does the defendant say?

9 A. I need sponsors, Akhee, immediately,  
10 insha'Allah. Also, Akhee, I think the sponsor  
11 should not have any past history of J activities or  
12 extmism.

13 Q. And J, is that a term that we have seen in a number of  
14 chats throughout this case?

15 A. It's just another reference to jihad.

16 Q. Okay. Now, during your investigation, did you locate  
17 any visa applications on the hard -- on any computer media  
18 associated with Younis Tsouli?

19 A. Yes, we did.

20 Q. What did you locate?

21 A. We located a visa application for Sweden that originated  
22 from a citizen from Dhaka, Bangladesh.

23 Q. From the what in Bangladesh?

24 A. From the Swedish Embassy in Dhaka, Bangladesh.

25 Q. If we could go to 247?



1           Now, the first page of this document looks like it's in  
2 a foreign language. Is that right?

3 A.    Correct.

4 Q.    If we go to page three -- well, first let's just blow up  
5 the top left corner of this page. Is there a reference to  
6 something in Bangladesh here?

7 A.    Yes. The word Dhaka.

8 Q.    Okay. And then coming out of this, the entire middle of  
9 the page?

10           What's the first line there?

11 A.    Requirements for Shengen visitors visa.

12 Q.    And there is a note down at the bottom here, it's really  
13 small print, but can you read what that note says? Maybe it  
14 can be blown up?

15 A.               Note: Application forms are available at the  
16                   Embassy free of charge. Forms can also be  
17                   downloaded from the Swedish Migration Board's  
18                   website: [www.migrationsverket.se](http://www.migrationsverket.se).

19 Q.    Some type of link to Sweden apparently?

20 A.    Correct.

21 Q.    If we come out of that, at the very bottom corner of  
22 this document, if we can blow it up, what does it say is the  
23 address for this document? The left corner, I'm sorry.

24 A.    The address is: Postadress, Embassy of Sweden, CPO Box  
25 304, Dhaka, Bangladesh.



1 Q. And in the middle of this page where it looks like there  
2 is a line going across, can you read that second line talking  
3 about reference person?

4 A. An invitation from your reference person.

5 Q. And it requires certain number of documents from the  
6 reference person?

7 A. Correct.

8 Q. Would that be similar to the sponsor of a visa?

9 A. Correct, it would be.

10 Q. Exhibit 237, please?

11 Looking at page one, what date did this chat occur on?

12 A. October 16, 2005.

13 Q. And who are the participants?

14 A. Mirsad Bektasevic using Simon\_says@gawab.com,  
15 Defendant Sadequee using Mustadrak@gawab.com.

16 Q. Going to line 1:34:09, can you start reading there  
17 through the end of the page, please?

18 A. Okay. Mr. Bektasevic says:

19 Okay, we do like this. I have some problems.

20 I need to be here some extra days because I need to  
21 buy some stuff.

22 Defendant Sadequee responds: Akhee, praise  
23 God.

24 Mr. Bektasevic says: Akhee, we need this  
25 stuff and the guy who makes it isbt here. What



1                   xcan I do?

2                   Defendant Sadequee responds: Akhee, please, I  
3                   cannot stay here longer. Some bros here got taken  
4                   by murtaddeen. It's really hot.

5       Q.     Okay. Where is the defendant at the time of this chat?

6       A.     Defendant Sadequee is located in Bangladesh.

7       Q.     And Bektasevic is located where?

8       A.     Bosnia.

9       Q.     And does -- on page two, I'm sorry, starting at 1:36:17,  
10            the defendant continues talking about it being hot. What  
11            does he say?

12      A.                We were about to be raided too. How fast can  
13                        you get back to SW?

14      Q.     Okay. In the next line and continuing on, how does  
15            Bektasevic respond?

16      A.                I planned to do it in about three days and the  
17                        trip is two days with bus. Now I need to wait so  
18                        the guy makes the things for me.

19      Q.     Continue.

20      A.     Defendant Sadequee responds:

21                        How long in total?

22                        Mr. Bektasevic responds: And he makes it in  
23                        about three days. A week and two days max.

24                        Defendant Sadequee responds: Allaahu Akbar.

25                        Mr. Bektasevic responds: Is it too much?



1 Defendant Sadequee responds: Akhee, is it  
2 absolutely necessary to stay longer?

3 Mr. Bektasevic responds: Akhee, it is  
4 silentcers for the car, for the automatic and for  
5 the mini.

6 Defendant Sadequee say: Oh, you mean to put  
7 on the head of it?

8 Q. Okay. This discussion about silencers for the car, for  
9 the automatic and for the mini, when Bektasevic was arrested,  
10 was there a silencer found?

11 A. Yes, he had a handgun with a silencer on it.

12 Q. Going on to page three at line 1:39:43 through 1:40:10,  
13 what does Bektasevic say?

14 A. Yeah, and some lighters which makes fireworks  
15 to go on.

16 Q. Also located -- well, did the police also discover any  
17 detonators or anything to ignite explosives when Bektasevic  
18 was arrested?

19 A. Yes, they did.

20 Q. Going down a couple of lines to line 1:41:15, what does  
21 the defendant talk about next?

22 A. Defendant Sadequee says:

23 Akhee, I can get a bro to send you six  
24 thousand dollars U.S.

25 Mr. Bektasevic says: What exactly you want5



1 me to do now?

2 Defendant Sadequee responds: Insha'Allah.

3 Mr. Bektasevic responds: Allaahu Akbaar.

4 Defendant Sadequee responds: I need bank  
5 account info.

6 Mr. Bektasevic responds: Okay, over Western  
7 Union?

8 Q. What does the defendant say to that suggestion to use  
9 Western Union?

10 A. Defendant Sadequee responds:

11 No, it will be done anonymously as in me and  
12 the bros here can't be traced. But thing is, we  
13 need a valid bank account. You mentioned your bro  
14 had one? We need someone who you trust and also is  
15 clean of any past history.

16 Q. Okay. Now, continuing on to the next page, how does  
17 Bektasevic respond to that?

18 A. I have that. Akhee, we send the gees when I  
19 come to Swe. Now I need to get this stuff. When I  
20 come to Swe what do you want me to do, send a  
21 visa?

22 Q. What does the defendant say?

23 A. Defendant Sadequee responds:

24 Can you send a visa?

25 Mr. Bektasevic responds: I can ask a bro to



1 do it.

2 Q. Okay. Now, excuse me, going on to page five starting at  
3 line 1:48:06, what does Bektasevic ask?

4 A. Listen, what is the bros there doing, what are  
5 they expecting, are they a jama'at?

6 Q. What does the defendant say?

7 A. Yes, they are huge jamaa'ah, but only maybe  
8 five to ten maximum can come.

9 Q. Continue down to what the defendant says.

10 A. Defendant Sadequee says:

11 Yes, their own system, et cetera. But, Akhee,  
12 first they will send two bros to just --

13 Q. And then he's interrupted by Bektasevic who asks what?

14 A. How will they work with us?

15 Q. Going on to the next page, starting at the top, 1:49:27?

16 A. Defendant Sadequee says:

17 Find out if they want to continue with us.

18 And if they like our things, then they will invite  
19 the rest of the bros, and most likely they will  
20 like it, insha'Allah.

21 Q. And Bektasevic asks him a question next. What does he  
22 ask him?

23 A. Did you say you are in the jama'at.

24 Q. And what group is he talking about, does he explain in  
25 the next line?



1 A. Mr. Bektasevic says:

2 A-q-n-r-t. Aqua Northern Europe.

3 Q. And how does the defendant respond?

4 A. Aqua . . . I told them that I know Aqua bros,  
5 but not that I am in myself.

6 Q. And what does Bektasevic respond to that?

7 A. Okay. I have much to tell you. All is good,  
8 al-Hamdulillaah. I am building a base now.

9 Q. Then in the next couple of lines, does the defendant  
10 talk about giving Bektasevic a call?

11 A. Yes, he does.

12 Q. What does he say?

13 A. Defendant Sadequee says:

14 Akhee, I can talk to you, Insha'Allah, on  
15 phone. The new number you gave to Yunus,  
16 insha'Allah, maybe Wednesday or maybe Tuesday.

17 Q. Okay. Going on to page seven, starting at 1:53:14, what  
18 does Bektasevic say?

19 A. Akhee, I am sorry for thois.

20 Q. And he continues on?

21 A. But I need this silentcers. It's like when  
22 you fart, it sounds like that. Ahaa. Yeah,  
23 al-Hamdulillaah.

24 Q. And then at line 1:54:13, what does the defendant ask?

25 A. What about Two Rivers style?



1 Q. Two Rivers is a reference to what?

2 A. To Iraq.

3 Q. And continuing down at the bottom of the page, 1:54:36,  
4 the defendant starts asking another -- talks about another  
5 issue. What does he say?

6 A. No, I mean, big balloons.

7 Q. He continues on?

8 A. How to make big balloons fly away.

9 Q. And what does Bektasevic respond?

10 A. Not to make things. Just how to make the fly  
11 away.

12 Q. Continue on with what Bektasevic says?

13 A. As in how to activate. Yeah, to activate  
14 them. I need to go now. Call me.

15 Q. And looking at Exhibit 230, on page one starting at --  
16 well, this is the chat on October 19th between who? We  
17 looked at it earlier.

18 A. Between Defendant Sadequee as Mustadrak@gawab.com,  
19 Younis Tsouli using JohnBlack05@hotmail.com.

20 Q. And starting at 6:27:47 through 6:28:42, can you read  
21 that exchange between Tsouli and the defendant?

22 A. Tsouli says:

23 Akhee, Insha'Allah, we all meet soon at  
24 Max's.

25 Defendant Sadequee says: Insha'Allah.



1                   Mr. Tsouli says: Hopefully we cant get things  
2                   going there.

3                   Defendant Sadequee says: You mean bots? Or  
4                   SW?

5                   Mr. Tsouli says: And make things happen  
6                   here. Anywhere Max and his crew are settled in.

7       Q.     Now, the date of this chat is October 19, 2005. How  
8       does this compare with the date that Bektasevic was  
9       arrested?

10      A.     The same day.

11      Q.     And what about Tsouli?

12      A.     Tsouli is arrested a couple days after this.

13      Q.     Now, at some point in the investigation, was the  
14      defendant arrested?

15      A.     Yes, he was.

16      Q.     Were you present?

17      A.     Yes, I was.

18      Q.     And where was he arrested?

19      A.     In Dhaka, Bangladesh.

20      Q.     On what date?

21      A.     April 20, 2006.

22      Q.     Pursuant to an arrest warrant?

23      A.     Correct.

24      Q.     Did the defendant resist in any way when you arrested  
25      him?



1 A. No. The Defendant Sadequee was very compliant, no  
2 problems at all.

3 MS. COLLINS: That's all, Your Honor.

4 THE COURT: Mr. Sadequee?

5 -- -- --

6 CROSS-EXAMINATION

7 BY MR. SADEQUEE:

8 Q. Good afternoon.

9 A. Good afternoon.

10 Q. If I may begin, whatever you can -- can you recount my  
11 arrest?

12 A. Your arrest?

13 Q. Yes.

14 A. Okay. I placed you under arrest on April 20, 2006, in  
15 Dhaka, Bangladesh. You were turned over to myself and a  
16 group of other FBI special agents.

17 You came out on the runway, we took custody of you.  
18 I advised you you were under arrest for a valid arrest  
19 warrant out of New York.

20 At that point we put you on an airplane and we took you  
21 to Anchorage, Alaska.

22 Q. Where was I the days prior to the arrest at the plane?

23 MS. COLLINS: Objection. Relevance.

24 THE COURT: How is this relevant?

25 BY MR. SADEQUEE:



1 Q. I had been under investigation for how long of a period  
2 of time?

3 A. As we discussed before, we started our investigation in  
4 August of 2005.

5 Q. If we may go to Exhibit 228, on the time -- again my  
6 version doesn't have the page numbers, but the time is  
7 7:04:19.

8 A. Okay.

9 Q. Could you read that beginning from there?

10 A. You said:

11 "What happened, you all chickened out or  
12 something, something," something to that meaning.

13 Q. Could you read the line prior to that?

14 A. Okay. At :03?

15 Q. Yes.

16 A. You said:

17 He said in the e-mail "what happened, you all  
18 chickened out or something," something to that  
19 meaning.

20 Q. Whom am I referring to, He said in the e-mail? Whose  
21 e-mail is this?

22 A. You said up at 7:03:40 a.m --

23 Q. Yes.

24 A. -- you say:

25 Bro, Pushtoonee sent me an e-mail.



1 Q. Pushtoonnee refers to who?

2 A. One second.

3 Q. If you can, 7:04:34 kind of explains it.

4 A. Pushtoonnee seems to be a reference to Syed Haris Ahmed.

5 Q. Well, okay, if you can read from 7:04:34?

6 A. Sbualy@gmail says:

7 Did Mr. T meet with him there?

8 Q. Yes.

9 A. Do you want me to keep going?

10 Q. Yes, the next one.

11 A. Then you say:

12 Yeah, he did only once. LOL.

13 Q. So the -- is this e-mail a reference to Abu Umar, that  
14 Abu Umar said, What happened, you all chickened out or  
15 something?

16 Pushtoonnee, Abu Umar is Pushtoonnee; right?

17 A. Abu Umar is Pushtoonnee?

18 Q. He's Pushto?

19 A. He's Pashto.

20 Q. Yeah.

21 A. Okay.

22 Q. I'm saying is this a reference to Abu Umar sending this  
23 e-mail to me?

24 A. Could you repeat the question, please?

25 Q. Am I referring to in this chat, an e-mail that Abu Umar



1 sent to me saying, What happened, you all chickened out or  
2 something, or something to that meaning?

3 A. Okay. I need to correct what I said before. When I  
4 said Pushtoonee is Abu Turab, I misread something. I don't  
5 believe that is Abu Turab.

6 If you are telling me that Pushtoonee is Abu Umar, then  
7 I never made that identification or link between Pushtoonee  
8 and Abu Umar.

9 So I am not sure who the e-mail is from. I can't answer  
10 that.

11 Q. Is Haris Pashto? I mean --

12 A. He's from Pakistan. I'm not sure which ethnic --

13 Q. Has there been other chats where Abu Umar is referred to  
14 as Pushtoonee, or Pashto? Here it's spelled Pushtoonee.

15 A. I can't recall.

16 Q. But Ahbid Khan is Pashto as a matter of fact; correct?

17 A. I never met him, I don't know. I know he's from  
18 Pakistan, but I'm not sure which ethnic background he is.

19 Q. Sbualy is Azdee; correct?

20 A. Correct.

21 Q. He asked:

22 Did Mr. T -- Haris -- meet with him?

23 I respond: Yeah, he did only once.

24 Whom did -- did Haris meet Abu Umar only once in  
25 Pakistan?



1 A. I am aware of them only meeting one time.

2 Q. Could we go to time span a couple pages afterwards?

3 This is 7:07:46.

4 MR. McBURNEY: Do you have the page number?

5 MR. SADEQUEE: This version doesn't have page  
6 numbers. It's just a couple pages after that, several pages  
7 after that.

8 BY MR. SADEQUEE:

9 Q. It's Sbualy, Azdee, saying: Dude, T was messed up.  
10 Could you read from there?

11 A. Okay. Sbualy says:

12 Dude, T was messed up beginning no offense.

13 When I heard his stories, he thought it was all fun  
14 and games.

15 Then you respond: Brother, man, T is like a  
16 macho man, he got the body, but not the brains.

17 Q. So T is a reference to?

18 A. Syed Haris Ahmed.

19 Q. When Azdee is saying he thought it was all fun and  
20 games, could you interpret that or your understanding of  
21 that? Or why would Azdee be saying that Turab, Haris,  
22 thought it was all fun and games?

23 A. I'm not sure why Azdee would think that.

24 Q. Could we go to again just a couple of pages afterwards,  
25 7:11:30?



1 MS. COLLINS: Page eight.

2 BY MR. SADEQUEE:

3 Q. This is Azdee?

4 A. Do you want me to read it?

5 Q. Yes.

6 A. Sbualy@gmail says:

7 The testestorne is basically dead?

8 You respond: LOL.

9 Sbualy responds: Nobody is doing anything  
10 except Aboo S.

11 Q. Could we go to -- testestorne is a reference to?

12 A. What's the question, testestorne is a reference to?

13 Q. What does testosterone mean?

14 A. It's a male hormone.

15 Q. And it's dead?

16 A. That's what Sbualy says.

17 Q. What does he mean? This is September 19, I mean, this  
18 is all after the chats in April and May or whatever; correct?

19 A. Correct.

20 Q. And I am in Bangladesh at this point in time?

21 A. Correct.

22 Q. Could we go to 8:21:37?

23 MS. COLLINS: What was that, 8 --

24 MR. SADEQUEE: 8:21:37. This is farther --

25 MS. COLLINS: Page 49.



1 BY MR. SADEQUEE:

2 Q. Could you read that, 8:21:37?

3 A. You say:

4 Akhee, man, you know, I been thinking about  
5 going to Indonesia. They got five thousand  
6 islands.

7 Sbualy responds: LOL.

8 Then you say: I am sure we can get one.

9 Sbualy responds: LOL.

10 Then you respond: LOL.

11 Q. Do you know, was there any plan to capture one of the  
12 islands in Indonesia which I'm sure we can do?

13 A. In my investigation I did not come across any plans to  
14 capture an island in Indonesia.

15 Q. So what does it mean that this was being thought about,  
16 I been thinking about going to Indonesia?

17 A. I guess you were thinking about traveling to Indonesia.

18 Q. Did I ever in the course of the investigation apply for  
19 a visa to go to Indonesia?

20 A. I never came across that.

21 Q. Did any of my accused co-conspirators apply for a visa  
22 to go to Indonesia?

23 A. I never came across that.

24 Q. Could we go to 8:27:03?

25 MS. COLLINS: Page 53.



1 BY MR. SADEQUEE:

2 Q. Could you read from there?

3 A. At 8:27:03, you say:

4 Come to these EU, man. They give you welfare.

5 Sbualy responds: LOL.

6 And you say: And you still have.

7 And Aht says: LOL.

8 Then you say: Like two hundred dollars left  
9 over.

10 Sbualy says: LOL.

11 Then you say: Man, that's what I want to  
12 do. LOL. Translate all day. LOL.

13 Q. Is Sweden in the EU?

14 A. Yes, I believe so.

15 Q. Could we go to -- is translating something that I was  
16 actually involved in?

17 A. Yes.

18 Q. Would you say in the course of your investigation that I  
19 was a prolific translator?

20 A. You were a translator.

21 Q. Did I translate an article or two, or books?

22 A. You translated a number of articles.

23 Q. And books as well?

24 A. Books as well.

25 Q. Can you back up in the same chat, 8:06:07?



1 MS. COLLINS: Page 35.

2 BY MR. SADEQUEE:

3 Q. Could you read from there?

4 A. Okay.

5 Aht says: LOL.

6 Sbualy says: LOL.

7 Aht says: Haha.

8 Am I on the wrong spot?

9 Q. 8:06:07.

10 A. Doesn't it say LOL on September 19, 2005?

11 Q. 8:06:07 begins:

12 I miss the days when I used to be up till 3 a.m.

13 A. I'm sorry, one line up, okay. You said:

14 I miss the days when I used to be up till

15 3 a.m. LOL.

16 Then Aht says: LOL:

17 Sbualy says: LOL.

18 Aht says: Haha.

19 And then you say: And wake up at 1 p.m.

20 Sbualy says: LOL.

21 Aht says: LOL, dude.

22 Then you say: Like hashi.

23 Then Aht says: Did you used to do that?

24 Q. Continue.

25 A. Man, I do that sometimes. This is the time



1 I normally go sleep, 9 a.m.

2 And you say: Not always.

3 And Aht says: And wake up at 12:30. LOL.

4 Then you say: On weekends.

5 And Aht says: Oh, I'm assuming that's check  
6 it.

7 Q. Yes.

8 A. By the way.

9 Then you say: Because I found out that I  
10 translate better after 12 a.m. LOL.

11 Q. Thank you.

12 A. Okay.

13 Q. If we can go to Exhibit 234 at 8:25:11?

14 This is Azdee saying --

15 MS. COLLINS: Page six.

16 Q. -- Doing anything?

17 A. Okay. Sbualy says:

18 Doing anything. We can have constant  
19 videos. If he works with me out every month, so  
20 like.

21 Then you say: Man, LOL.

22 Then Sbualy says: It can be divided. The  
23 rest of the guys continue with the books and  
24 stuff.

25 Then you say: Man, can you send me the



1 transcript he did.

2 Sbualy says: Yeah, you want it now. It has a  
3 lot of mistakes, but it's not bad.

4 Then you say: What type of mistakes, English  
5 grammer?

6 Sbualy says: Yeah.

7 Then you say: Hafs style. LOL.

8 Sbualy says: Yeah. Then God's mercy upon  
9 him.

10 Then you say same thing, God's mercy upon him.

11 Q. Do you know who hafs is, referred to?

12 A. No, I do not.

13 Q. If you can continue?

14 A. You say:

15 You know when we had the first sitting,  
16 I mentioned that a "bro was transing Al-Qawl  
17 Al-Muhtadd" by utaybee.

18 Q. Transing is short for?

19 A. I believe translating.

20 Sbualy says: K.

21 Then you say: And then later, I found out he  
22 was drowned.

23 And Sbualy says: Dude, I was the one.

24 Then you said: And I mention him in the  
25 second.



1                   Sbualy said: Who found out I called his  
2 father.

3                   Then you say: Sitting. Subhaan'Allaah, glory  
4 to God.

5                   Then Sbualy says: Dude, I was shocked and  
6 felt so bad.

7                   Then you say: How did you find out?

8                   Sbualy says: Some dude posted on RI, so to  
9 confirm I called his home.

10                  Then you say: Subhaan'Allaah.

11                  Then you say: Akhee, man.

12                  Sbualy says: Anyway, dude, I felt so bad  
13 cause we were so harsh with him.

14                  Then you say: Remember I was supposed to meet  
15 him.

16                  And Sbualy says: You know.

17                  Then you display an unhappy face. Yeah.

18                  And Sbualy says: So I felt really bad.

19                  Then you say: But afterwards I was good with  
20 him.

21                  Sbualy says: Yeah.

22                  Then you say: He was doing Yaa Jiraahee,  
23 feeling sorry for himself. He sent me an e-mail at  
24 this.

25                  Then Sbualy says: Yeah.



1                   Then you say: I didn't delete it.

2                   Sbualy says: I have it. We're gonna.

3                   Then you say: Man.

4                   Sbualy says: Put it in that audio.

5                   Then you say: Insha'Allah, you know when I  
6 found out, I was in cyver cafe.

7                   Sbualy says: K.

8                   Then you say: I was trying to not cry, but  
9 Subhyaan'Allaah.

10                  Sbualy says: Yeah. I was really hurt. It  
11 was like.

12                  Then you say: Because it was really the last  
13 person I would have thought.

14                  Sbualy says: Loosing.

15                  Then you say: To have mawt, which means  
16 death.

17                  Sbualy says: A younger brother, yeah.

18                  Then you say: You know, it is a huge loss  
19 since he was really knowledgeable.

20                  Sbualy says: Yea.

21                  Then you say: And if he had the time, he  
22 could have done much more translations than prolly  
23 any of us.

24                  Then Sbualy says: Yeah.

25 Q.    Okay. If we can stop, if you don't mind?



1 A. Yeah.

2 Q. So is this referring to someone who used to translate  
3 drowned?

4 A. Yes, it appears that way.

5 Q. And are you aware in Islam according to the Prophet's  
6 teachings, anyone who drowns is considered a martyr?

7 A. Okay. I didn't know that.

8 Q. So here we are actually mourning over him and saying  
9 it's a huge loss; correct?

10 A. Correct.

11 Q. Because he was someone who was knowledgeable and was  
12 involved in translating books.

13 Could we go to just a couple pages afterwards 8:32:22?

14 MS. COLLINS: Page twelve.

15 A. 8:32:22?

16 Q. Yes.

17 A. Okay. You say:

18 Bro, you know.

19 Sbualy says: Saleh as saleh, what a bad name  
20 to have. LOL.

21 Then you say: Zilzaal.

22 Sbualy says: Yeah.

23 Then you say: They giving free entry, no visa  
24 required. LOL.

25 Sbualy says: LOL. Really.



1                   Then you say: Just buy the ticket, yeah.

2                   Sbualy says: LOL.

3                   Then you say: For limited time, though.

4                   Because of the zilzaal, everyone is going there.

5                   Sbualy says: You know, I know a bro here.

6                   Then you say: For their family, et cetera.

7       Q.     Now, this is Azdee, correct, Azdee and I?

8       A.     Correct, correct.

9       Q.     We are also the same, involved in that earlier  
10    discussions from earlier on that same year about going to  
11    Pakistan; correct?

12    A.     Correct.

13    Q.     And Zilzaal Land or Earthquake Land, which is at this  
14    point, October 19th, is a reference to Pakistan?

15    A.     Yes, it appears that way.

16    Q.     And I tell them, Just buy the ticket?

17    A.     Yes.

18    Q.     Are you aware if Azdee -- you have investigated him as  
19    well; right?

20    A.     No, I have not been the case agent for Azdee.

21    Q.     Are you familiar with whether or not he purchased any  
22    ticket to Pakistan?

23    A.     I have no knowledge of that.

24    Q.     When you stopped me at the JFK Airport, did you ask how  
25    much money I was taking with me to Bangladesh? Or even if



1     you didn't ask, in your investigations, did you find out how  
2     much money I was taking to Bangladesh with me?

3     A.     We checked your bank records, yes.

4     Q.     How much?

5     A.     I can't recall. I believe you made a withdrawal right  
6     before you left, but, I'm sorry, I can't remember what the  
7     number was.

8     Q.     Any approximate? Was it less than five thousand?

9     A.     I believe, yes, it was less than five thousand, and  
10    maybe more than five hundred.

11    Q.     So how much would a ticket cost for someone to go from  
12    Bangladesh to Pakistan? How far is the distance?

13    A.     You have to go through India to get to Pakistan. I  
14    can't give you an honest answer. I have no idea how much a  
15    plane ticket would cost from those two locations.

16    Q.     Is the distance between Pakistan and Bangladesh smaller  
17    than the distance between Atlanta and Toronto?

18    A.     I'm just going to be guessing, I'm sorry. I just don't  
19    know.

20    Q.     Could we go back to Exhibit 228? The time is 8:37:18,  
21    towards the end.

22           MS. COLLINS: What's the number?

23           MR. SADEQUEE: 8:37:18, right at the end of  
24    Exhibit 28.

25           MS. COLLINS: Page 61.



1 BY MR. SADEQUEE:

2 Q. Could you read that one?

3 A. You say:

4 I don't want to get sinj -- which means  
5 jailed -- for a media stunt.

6 Then Sbualy --

7 Q. This term media stunt, has it been used elsewhere by me  
8 in these chats?

9 A. It may have. Do you know which chat?

10 Q. There was one earlier that we went over yesterday  
11 describing the D.C. --

12 A. The D.C. vids as a media stunt?

13 Q. Yes.

14 A. Do you know which exhibit number so we can look at it?

15 Q. It was something we went over yesterday. I don't  
16 recall. I don't have it with me right now.

17 If we could go to Exhibit 234, time 8:45:11 -- no,  
18 actually, 8:43:23?

19 MS. COLLINS: Page 21.

20 BY MR. SADEQUEE:

21 Q. If you can read from there?

22 A. Okay. Like each -- you say:

23 Like each country has its own favia, not like  
24 Italian shit. LOL.

25 Sbualy responds: Yeah.



1                   Then you say: Gangs, et cetera.

2                   Then Sbualy says: You need those former  
3 Soviet guys.

4                   Then you say: LOL.

5                   Then Sbualy says: Kyrgystan or whatever.

6                   And you say: LOL.

7                   Sbualy says: The hell they are.

8                   Then you say: LOL.

9                   And Sbualy says: Lost of fsutff there for  
10 cheap.

11                  Then you say: Man, that's some black market.

12                  Then Sbualy says: Since there poor, yeah.

13                  Then you say: Akhee, man, what happened to  
14 that revenge guy? Then you say: LOL.

15                  Sbualy says: LOL. Dude, I don't talk to  
16 James anymore.

17                  Then you say: Who had like electronic wave  
18 distrubers.

19                  Then Sbualy says: I don't trust him.

20                  Then you say: LOL.

21                  And Sbualy says: Dude, you know what he told  
22 me.

23                  Then you say: What?

24                  Sbualy says: Said he had someone follow me  
25 and put a chip in my car and a bunch of other



1 James Bond stories.

2 Then you say: LOL, LOL.

3 Sbualy says: Dude, I don't want to do  
4 anything with that guy. I found him just to be  
5 emotional.

6 Q. Who is he referring to?

7 A. Younis Tsouli.

8 Q. Azdee, right, Sbualy?

9 A. Sbualy is referring to -- when they say up there at line  
10 8:44:14 to James, I believe they are referring to  
11 Younis Tsouli.

12 Q. Well, there is another James as well, correct, that has  
13 been in conversations with Azdee and I; correct? There is a  
14 Deenin that's referred to as James?

15 A. Okay. Deenin goes by the name of James?

16 Q. There is this earlier in March --

17 A. Yes, yes.

18 Q. -- there is another James over there?

19 A. Yes.

20 Q. And that's Deenin; correct?

21 A. Correct.

22 Q. And in that chat, there is -- not that exact chat, but  
23 in other chats, there is references of this Deenin and Azdee  
24 looking for apartments.

25 A. Correct.



1 Q. So these two individuals are in the same location or  
2 area; correct?

3 A. Correct.

4 Q. So when Azdee is saying here, I don't talk to James  
5 anymore, is he referring to Younis Tsouli, who is in the  
6 U.K.?

7 A. No, he's referring to Deenin, that James.

8 Q. So he says in that last line that you finished reading,  
9 I found him just to be emotional. Can you explain that or  
10 elaborate your understanding of that?

11 A. I believe Sbualy is saying that he's emotional, that  
12 just with his dealings with him, that he's too emotional.

13 Q. Could you continue from that line onwards?

14 A. Okay. You say:

15 LOL, yeah. I remember him saying he is  
16 leaving in April. LOL.

17 Then Sbualy says: LOL.

18 What about Hashi?

19 And Sbualy says: LOL.

20 Then you say: He never returned.

21 Sbualy says: Hashi.

22 And then you say: LOL.

23 Sbualy says: Is here. I see him everyday.

24 Then you say: Is sleeping.

25 Q. Now, when Azdee says, Hashi is here, I see him everyday,



1 is he -- when I say, I remember him saying he's leaving in  
2 April, this is referring to that same James?

3 This is right after Azdee says, I found him just to be  
4 emotional. Then that's when I come in and say, Yeah,  
5 I remember him saying he's leaving in April.

6 A. Okay.

7 Q. So did this James leave or Deenin leave anywhere to  
8 go --

9 A. I do not know.

10 Q. Are there any terrorist training camps in Sweden?

11 A. Not that I'm aware of.

12 Q. If we could go to Exhibit 233, time 2:11:30?

13 MS. COLLINS: Page five.

14 BY MR. SADEQUEE:

15 Q. Read from there?

16 A. Mirsad Bektasevic says:

17 I think he should wait there to, just a month  
18 or two -- just a month or so.

19 TheDude responds: You all going have fun.

20 Mr. Bektasevic responds: LOL.

21 TheDude responds: I be here upsetting kuffs.

22 LOL.

23 Then Mr. Bektasevic responds: Yeah, just  
24 don't do anything, haha.

25 Then you say: But bro, right here, I will be



1           using up more and more money, costs, et cetera.

2           Bektasevic responds: Isn't it really cheap?  
3           But Akhee, we are working on the ghanee. Why you  
4           think I travel?

5           Then you say: Yeah, but still costs something  
6           like three hundred dollars per month.

7           Bektasevic says: Wow. You buying houses  
8           there? LOL.

9           Then you say: I know, but if you take longer  
10          than one month, I might not have enough to even  
11          come to SW. LOL.

12       Q.    This is September 21st; correct?

13       A.    Correct.

14       Q.    And this is -- so it's just a little over a month after  
15       me going to Bangladesh?

16       A.    Correct.

17       Q.    So my question is does the math add up in what I'm  
18       saying and am I being truthful with these people when I say  
19       that it costs three hundred dollars a month? I have been  
20       there only one month; correct?

21       A.    Correct.

22       Q.    And I took how much money with me? Well, you don't  
23       know.

24       A.    I can't guess.

25       Q.    I can't make statements, I guess.



1           Surely I did not take -- okay, when I said, If you take  
2 longer than one month, I might not have enough to come to  
3 Sweden, how much would a ticket cost from Bangladesh to  
4 Sweden, an estimate?

5       A.     Fifteen hundred to twenty-five hundred is an estimate.

6       Q.     And if I took around five thousand dollars as you said,  
7 you agreed it was around five thousand dollars or less;  
8 correct?

9       A.     I believe it was between five hundred and five  
10 thousand. I'm not sure.

11      Q.     I'm trying to get that information from the lawyers  
12 about how much money I actually took.

13           May we go to 2:51:07?

14           MS. COLLINS: Page 26.

15       BY MR. SADEQUEE:

16      Q.     This is Mr. Bektasevic?

17      A.     Do you want me to read?

18      Q.     Yes.

19      Q.     Mr. Bektasevic says:

20                   Do we have a Shuurah?

21      Q.     And Shuurah is?

22      A.     Council.

23      Q.     Yes. Continue.

24      A.               Who is the head of the Shurrah? Do we have a  
25 plan? Do we have people? Do we have money?



1 Q. So here he's -- Mr. Mirsad, this Bosnian, he's asking  
2 Tsouli and I if we have a plan. And there is all these other  
3 chats where others also feel that they have no plan.

4 I mean, what would cause a question like this to arise:  
5 Do we have a plan, do we have money, who is the head? What  
6 would cause such questions to arise?

7 A. I believe Mr. Bektasevic is trying to establish what's  
8 the plan of the organization for the group of people involved  
9 in the various chats and e-mails and correspondence. He just  
10 is asking questions about the group, asking if you have  
11 people, do you have money.

12 Q. Could we go to 3:06:42?

13 MS. COLLINS: Page 36.

14 BY MR. SADEQUEE:

15 Q. 3:06:42 p.m., same chat. It begins: Okay, Akhee, you  
16 want English? Would you read that?

17 A. You say:

18 Okay, Akhee, you want English?

19 TheDude says: Otherwise just written bayaan,  
20 or announcement.

21 Bektasevic says: Akhee, just this.

22 Then you say: What about 'Arabee?

23 Then TheDude says: But vid would be awesome.

24 Arabee is good. Great.

25 Then you say: Or both?



1           Then TheDude says: Most important is have a  
2           silaah -- that's weapons -- on the background.

3           Then Bektasevic says: Mustadrak, is the vids  
4           bayaan finished?

5           Then TheDude says: And a mushaaf, which I  
6           believe is the Quran. LOL.

7           Then you say: Man, Akhee, can you do that  
8           through comp? Then you say: Like I don't have one  
9           here. Then you say: No, the bayaan isn't  
10          finish.

11          Then TheDude says: Do what through computer?

12          Then you say: But the pornos are.

13          Then TheDude says: Dude, don't say pornos.

14          Then As-sandzakee does the parentheses with a  
15          Y in the middle.

16          Then TheDude says: Say something else, you  
17          foold -- fool. LOL.

18          Then Bektasevic says: Okay, Akhee, let me  
19          first get the equipment, then you send the bayaan.

20          Then TheDude says: What you saying that word  
21          for? LOL.

22          Then you say: Can you put a silaah -- or  
23          weapon -- through means of graphics like, I don't  
24          have one.

25          Then TheDude says: Hmmm, get a toy then.



1                   Then you say: Which word? LOL.

2                   Then TheDude says: Serious, we need silah --  
3                   weapons -- on background.

4                   Then Bektasevic says: Gussy focus. LOL.

5                   Then TheDude says: Because it means for real.

6       Q.     Now, if we could just pause. There is mention of  
7     putting weapons through means of graphics and to get a toy;  
8     correct?

9       A.     Correct.

10     Q.     What's your understanding and explanation for that?

11             And earlier I just said, Can we do that through means of  
12     computer, or, man, I think, can you do that through comp?

13     A.     I believe comp is computer.

14     Q.     And here I ask, Can you put a weapon through means of  
15     graphics.

16     A.     Okay.

17     Q.     Could you explain what your understanding of this is in  
18     the larger context of the video?

19     A.     What I believe is going on here is a jihadist type video  
20     is being made, and you are asking can you put a weapon on the  
21     video through means of graphics. So again --

22     Q.     Or a toy, which is what?

23     A.     Or a toy. What you are trying to do -- I mean, in my  
24     opinion, what you are trying to say there is you are asking  
25     them on the video, you want to put a gun in the video for



1     this -- for the video you guys are creating, you want it to  
2     represent a weapon.

3     Q.     Well, I said here in this chat, Like I don't have  
4     one.    Okay, I say, Can you put a weapon through means of  
5     graphics, like I don't have one.

6     A.     Okay.   What's the question?

7     Q.     So what is it that I don't have?

8     A.     A weapon.

9     Q.     So we need -- and it's Tsouli, 007, says, Get a toy  
10    then.   Serious, we need a weapon on the background because it  
11    means we are real, because it means we are for real.

12           Is it being discussed here or planned here or whatever  
13   word you want to use that to put a fake weapon on the video,  
14   whether it be through computer graphics or a toy?

15   A.     Yes, it is.   You say in line 3:08:36 if you can put a  
16   weapon through means of graphics, and then you say you don't  
17   have one, and Younis Tsouli says then get a toy then.

18           So I would say yes to graphics and yes to toy, that is  
19   discussed as using that as weapon for this video.

20   Q.     Now, if we continue from here, and we basically  
21   understand that the Bosnian says that, yeah, he doesn't need  
22   computer graphics because he has access to the real thing,  
23   then the next few lines he said -- if you could read the next  
24   four lines?

25   A.     I'm sorry, which line do you want me to start?   3:09:25?



1 Q. Yes.

2 A. Bektasevic says:

3 Guys, wait, wait. I gonna have small  
4 training, you know, in Botswana, I gonna train some  
5 guys. I can record that.

6 Q. So this is something that -- the idea that Tsouli and  
7 I discuss, does it involve trying to get actual weapons, or  
8 was it computer graphics or a toy, to create an image and  
9 perception of some weapons and being with us in that video?

10 A. You told Younis Tsouli that you don't have one, so you  
11 guys brought up the other ideas. You brought up the idea of  
12 the computer, Mr. Tsouli says get a toy.

13 Q. So would it be accurate to say that having actual  
14 weapons was not a real objective if it could be substituted  
15 by computer graphics or a toy, that would have sufficed?

16 A. In my opinion, I think that was the whole goal within  
17 the communication here is that you wanted a weapon. In my  
18 opinion, I don't think it would have mattered if it was a  
19 real one, a toy one or graphics, but the whole point of this  
20 is you wanted something to display a gun.

21 Q. And in this chat, is it -- in the section right here as  
22 well, is it -- am I -- is Younis Tsouli and -- are  
23 Younis Tsouli and I aware of Mirsad Bektasevic having access  
24 to weapons, to actual weapons, at this point in time?

25 A. Just through the information in this chat here?



1 Q. Yes. This is before --

2 A. Mr. Bektasevic was still in Sweden at the time of this  
3 chat. So I don't have any evidence to show that he had any  
4 weapons with him while he was in Sweden.

5 Q. If we knew that Bektasevic had access -- or even by  
6 going to Bosnia, that he would have access, would we be  
7 saying we could use computer graphics or a toy?

8 A. I don't know if you would be saying that. Like  
9 I mentioned in my previous answers, I mean, there is a couple  
10 of ways to get weapons on there. You can use real ones, you  
11 can get a fake one, or you can get computer graphics. So --

12 Q. Now, this bayaan which was released, this announcement,  
13 is this the same bayaan that I'm saying that I am going to be  
14 writing -- not necessarily writing, but in this chat there is  
15 a place where I'm saying that I'm going to write a bayaan.  
16 Is this the one that was released?

17 A. Are you talking about the Al-Qaeda in Northern Europe?

18 Q. Yes.

19 A. Okay. That was released on September 11th, and this is  
20 a chat communication from September 21st.

21 Q. Isn't it true that I had nothing to do with that writing  
22 of that announcement on September 11th?

23 A. I don't have any indication that you were involved in  
24 that, no evidence to show that.

25 Q. If we could go to 3:04:09?



1           Again this is Mirsad saying --

2                   MS. COLLINS:   Page 34.

3   Q.    -- Then go for it?

4   A.    Mr. Bektasevic says:

5                   Then go for it.   Just say.

6                   And TheDude says:   We need say greetings to  
7           the bros.

8                   Bektasevic says:   We have our guys, blah,  
9           blah, they are blah, blah.   Yeah

10                  Then TheDude says:   In Two Rivers two places,  
11           Northern Europe, Chech, Ind, et cetera.   LOL.

12                  Bektasevic then does parentheses with a Y.

13                  Then TheDude says:   Great.

14                  Then Bektasevic says:   Al-Hamdulillaah.   Okay,  
15           now.

16                  Then you say --

17   Q.    Okay -- finish that.

18   A.    -- Khayrk, that's tayyib, insha'Allah.

19   Q.    Now, what's being discussed right here?   Are these the  
20   lines which we heard the Bosnian/Swede say in his video that  
21   he shot or similar to the lines that he said in the actual  
22   video?

23   A.    I don't recall.

24   Q.    When he says in the video, We are ready, we are  
25   prepared, we are not ignoring -- we are not -- whatever it is



1     that he said, then he says -- and he mentions Iraq and  
2     Afghanistan and Chechnya; correct?

3     A.     He does mention those.

4     Q.     Does it seem like the video was shot after this date,  
5     which is September 21st?   Is this a rehearsal of what he  
6     said in the video basically?

7     A.     Give me one second, please.

8            Yes, by reading this, it appears that these were  
9     statements made before the video was made.

10    Q.     And just a few lines afterwards, at 3:05:49, Mirsad  
11    says:   I talk on the camera.   If you could read from that?

12    A.     Okay.   Bektasevic says:

13            I talk on the camera?

14            Then TheDude says:   We need make it video  
15            bayaan, announcement.   And TheDude says:   You or  
16            another bro make it look like firaawn.

17            Then you say:   But, man, Max, you have an  
18            accent.

19    Q.     So is this -- so you agree that this is in the previous  
20    excerpt, which is at 3:04:30, this is -- when he says, We  
21    have our guys, blah, blah, they are blah, blah, this is his  
22    rehearsal for what, or just mentioning examples of what he  
23    intends to say?

24    A.     Say on the video.

25    Q.     And he says in the video, We have our guys ready, we are



1 planning, we are ready, we are ready, he keeps on repeating  
2 that; correct?

3 A. Correct.

4 Q. And in this same chat, he himself is asking us do we  
5 have a plan?

6 A. What line are you referring to?

7 Q. Mr. Bektasevic.

8 A. At which line?

9 Q. Earlier, I mean, earlier in the chat, at 2:51:19, he  
10 said, Do we have a plan? And then he actually makes the  
11 video. He says, We are all ready, and whatever he says.

12 So would you say that in the video, he has exaggerated  
13 his -- in his statements?

14 A. I don't think Bektasevic exaggerated anything.

15 Q. No, in here he says -- when he says, We have our guys --  
16 in the video when he says, We have our guys ready, we will  
17 come to get those who are in Iraq and Afghanistan -- I'm  
18 paraphrasing what he said -- and Chechnya, does he have an  
19 army ready to invade people who are invading Afghanistan,  
20 Iraq?

21 A. I don't believe Bektasevic had an army of people.

22 Q. Did he have cells of brothers in those countries or any  
23 invading force of those countries?

24 A. Mr. Bektasevic knew people in a lot of different places  
25 and communicated regularly with them.



1 Q. Were they members of cells which were planning attacks?

2 A. When you say cells, are you talking about  
3 terrorism-related cells?

4 Q. Yes.

5 A. As we mentioned before, there is people that he was  
6 speaking with who were arrested in different countries that  
7 he was talking to, and they were arrested for  
8 terrorism-related charges.

9 Q. If we can go to 2:43:51?

10 MS. COLLINS: Page 21.

11 A. Do you want me to read that?

12 Q. Yes.

13 A. TheDude says:

14 Max, you can try record a vid?

15 Bektasevic says: Yeah.

16 TheDude says: Like a bayaan, announcement,  
17 vid.

18 Then Bektasevic says: How do I do that?

19 LOOL.

20 Then TheDude says: Proper with some kind of  
21 silah -- or weapon -- on the background.

22 And TheDude says: You got a camera?

23 And Bektasevic says: Akhee, this stuff isn't  
24 my thing.

25 Then you respond: Akhee, no, wait. Akhee, I



1 can type up a bayaan, announcement.

2 Then TheDude says: LOOL. Neither is it  
3 mine.

4 Bektasevic says: No camera. I have a mobile  
5 phone, Bektasevic says, That has a camera.

6 Then TheDude says: LOOOOOL.

7 Then you say: Bro, listen, I know a shaykh, a  
8 friend of Shaykh al-Maqdisi.

9 Then TheDude said: Dude, Max is funny.

10 Then you say: He's a shaykh, and a  
11 businessman.

12 Then Bektasevic says: LOL.

13 Then you say: He is on the 'Aqeedah and  
14 curriculum. I know him personally. He's 100  
15 percent thiqqah now.

16 Bektasevic says: Get to the point. LOL.

17 Then TheDude says: Al Hamdulilah. LOL,  
18 LOOOOL. Then TheDude says: Max.

19 Bektasevic says -- I guess that's a frown.  
20 Feel the Max power, ohh, yeah.

21 Then TheDude says: Max, you -- then there is  
22 an H in parentheses.

23 Then you say: Right now he thinks we are just  
24 kids, me and another bro, and just overexcited.

25 Then TheDude says: He is right.



1                   And Bektasevic says: LOL.

2                   Then you say: But if we can get this into the  
3 news, in this bayaan, I want to mention him as the  
4 "head of the Shar'ee Committee," because if we do  
5 that, he will know that we are real, and in the  
6 game, and he will give us funding. And he might  
7 have --

8 Q. Just to go over some of what was covered here.

9 A. Okay.

10 Q. Actually if you could read the next few lines?

11 A. Okay. At 2:46:57 you say:

12                   And he might have links too. Not his real  
13 name, just his kunyaa -- or nickname -- Shaykh  
14 'Abdus-Salaam Ash-Shaamee.

15                   And Bektasevic says: Akhee, firstly we need  
16 to fix our Shuurah.

17                   Then TheDude says: Okay, but you shouldn't  
18 ask him first?

19                   Bektasevic says: Who is what and who is  
20 that.

21                   And TheDude says: I mean like he is gonna get  
22 all over the niuz.

23                   Then Bektasevic says: Then we get this  
24 connections. LOL. Surprise.

25                   Then TheDude says: He be like, shoot, they



1                   talking about me!

2                   Then you --

3       Q.     All right. In your understanding of this chat, was it  
4     being -- is it being discussed that someone would be  
5     mentioned in this video as the head of the Shar'ee Committee  
6     or the legal council, however you say it, without his own  
7     knowledge of it?

8               Some someone, a scholar would be called in this video as  
9     head of the legal council without him knowing that he's  
10    being -- and this would be done to just prove to that scholar  
11    that, you know, we are not just excited kids?

12    A.     Yes, I believe you mentioned someone's name here, but I  
13    think you say you might not use his real name, you might use  
14    a nickname. Because if you make this video, he will give you  
15    guys credibility and he will give you funding or money for  
16    what you guys want to do, in my opinion.

17    Q.     So at 2:46:35 it's mentioned, But if we can get this  
18    into the news, what is "this"?

19    A.     Video.

20    Q.     Is this the same thing that's referred to earlier as the  
21    media stunt?

22    A.     There was an earlier media stunt when you were talking  
23    specifically about the D.C. vids. And I believe in this  
24    communication, did we refer to media stunt as well at some  
25    point?



1 Q. Yeah, it's a phrase that's used a number of times.

2 A. Yes, I believe that you referenced the media stunt with  
3 the creation of this video, there is a reference to this  
4 bayaan at 2:46:35: But if we can get this into the news.

5 Q. Now, here in this excerpt that you just read, TheDude,  
6 which is Tsouli, he actually says after I mention this  
7 certain scholar, he believes that we were just excited,  
8 overexcited kids, he says: You are.

9 A. Correct.

10 Q. And in 3:25:36 --

11 A. 3:25:36?

12 Q. Yes. He again repeats something similar?

13 A. Younis Tsouli says: Yeah, you guys are kids, excited  
14 kids.

15 Q. And then in 3:29:03, Irhabi 007, he says you guys are --

16 A. Younis Tsouli says: You guys are real crazy.

17 MS. COLLINS: Page 49.

18 BY MR. SADEQUEE:

19 Q. Now, when you arrested me in April, what was the  
20 cause -- what was the reason? At that particular time you  
21 arrested me, you had been investigating and monitoring my  
22 activities for -- since August; correct?

23 A. August of 2005, correct.

24 Q. And these chats, which are September, October of 2005,  
25 when did you have these -- when were you aware of these



1 chats?

2 MS. COLLINS: Objection.

3 THE COURT: Sustained.

4 BY MR. SADEQUEE:

5 Q. Younis Tsouli, Mirsad, Waseem Mughal, these individuals  
6 were arrested in October of '05, 2005?

7 A. Yes.

8 Q. But you did not arrest me until April of '06?

9 A. Yes.

10 Q. What was the reason for not arresting me when you had  
11 all this knowledge and yet I was not?

12 Is it true that I was arrested because there was a  
13 concern that I might flee because of after Haris's interview,  
14 so that's the reason I was arrested?

15 A. You were arrested after Haris's interview, and we had  
16 charges that were taken from the Eastern District of New York  
17 for you for false statements made to a federal law  
18 enforcement officer which stemmed from August 18, 2005.

19 And things that surfaced once Haris was arrested, at  
20 that point we decided you should be arrested as well, and we  
21 did that.

22 Q. After Haris contacted me, it was soon thereafter, I  
23 believe a few weeks thereafter that I was arrested. But all  
24 these chats that we are going over, these took place in the  
25 October, September, August, the previous year, and then there



1 is also those other chats from March, April.

2 A. Okay.

3 Q. Is it true to say that at that time, that the -- the key  
4 factor which caused me to be arrested was a concern on the  
5 part of the government that since Haris contacted me, I would  
6 flee or I would -- was that the -- because all this  
7 information you already had and I was not arrested.

8 So what caused that particular moment in time to be the  
9 moment that I should be arrested? Did I in April engage in  
10 any criminal activity, or in March?

11 A. I was in the United States in March, you were in  
12 Bangladesh, so I don't have any idea if you committed any  
13 criminal activities in Bangladesh at that time.

14 Q. Is it true that the government was waiting or the FBI  
15 were waiting that some actual steps be taken by me to  
16 implement some of these discussions and that's the reason why  
17 I was not being arrested?

18 MS. COLLINS: Objection.

19 THE COURT: Sustained.

20 MS. COLLINS: Relevance.

21 BY MR. SADEQUEE:

22 Q. There is some discussions where I mention some brothers  
23 in Bangladesh. In the course of your investigations, do you  
24 know of who these people are?

25 A. No, I do not.



1 Q. Do you have any reason to believe that there exists such  
2 people? I mean, other than the fact that I'm saying I have  
3 some brothers, you know, there are thousands of them or a  
4 thousand of them or something?

5 A. Take away all your communications?

6 Q. Yeah.

7 A. I don't have any evidence of that.

8 Q. Is there mention in -- is there examples of where I am  
9 not being truthful with these people online or that I said  
10 things which in your investigation you found out are not  
11 true?

12 A. Give me examples of some of the statements.

13 Q. Was there a time in one of these -- in my chats where  
14 I say that my father has been arrested?

15 A. Yes, you do say your father has been arrested.

16 Q. Is that true?

17 A. He was in Bangladesh at the time. I didn't come across  
18 any records that he was arrested over there. But I don't  
19 have full access to records over there, so I don't know.

20 Q. Do you remember in what context I said that he was  
21 arrested?

22 A. No, I do not.

23 Q. Was it some jihad-related, terrorism-related, I'm  
24 saying, yeah, we are under pressure, my father was just  
25 arrested, something to that effect?



1 A. If you have it, I'm more than happy to look at it. I  
2 just --

3 Q. But you recall that there is a chat?

4 A. Where you state your father is arrested?

5 Q. Yes.

6 A. Yes.

7 Q. You were aware that I got married in Bangladesh on March  
8 30th of '06; correct?

9 A. I was aware you got married.

10 Q. The Bangladesh agents were following me around in  
11 Bangladesh; correct?

12 MS. COLLINS: Objection. Relevance.

13 MR. SADEQUEE: Because I was going to go into the  
14 expenses of marriage and that the government knows that, you  
15 know, a lot of money was spent, thousands of dollars on my  
16 marriage, and that's where my money went.

17 THE COURT: You can ask him what he knows about the  
18 money that you spent.

19 BY MR. SADEQUEE:

20 Q. During your investigation -- and you have also I'm sure  
21 had a lot of interaction with the Bangladeshtian intelligence,  
22 so do you know or have any indication of how much money was  
23 spent in my wedding ceremonies?

24 A. No, I do not.

25 Q. Were there agents who came to my wedding ceremony?



1 MS. COLLINS: Objection, relevance.

2 THE COURT: Sustained.

3 BY MR. SADEQUEE:

4 Q. Do you know how my money was spent in Bangladesh?

5 A. No, I do not. I did not track your money over there.

6 Q. You mentioned that when I was interviewed at JFK, you  
7 came to -- when you interviewed me, you mentioned that I  
8 had been acting suspiciously in the airplane and that there  
9 was some reports made by some passengers and that that was  
10 the ruse used to question me.

11 You also mentioned -- not today, but earlier -- that  
12 Haris was followed in Pakistan and his activities --

13 A. You are saying I mentioned this?

14 Q. I mean, in the interviews with him?

15 A. No, I --

16 Q. There was footage of Haris or something?

17 A. In Pakistan? The FBI does not have any videos of Haris  
18 being followed in Pakistan, if that's your question.

19 Q. One last question. The FBI code name for this entire  
20 investigation was called Northern Exposure, Operation  
21 Northern Exposure?

22 A. Yes.

23 Q. Could you explain what that term means?

24 A. Operation Northern Exposure is a term that was -- we  
25 have our FBI headquarters up in Washington, D.C., we have our



1 FBI field office down in Atlanta.

2 Our headquarters in D.C. gave that name to the  
3 investigation. I did not give that name to the  
4 investigation. So I'm not sure why they chose that name. I  
5 can't comment. I don't know. I didn't do it.

6 MR. SADEQUEE: Thank you.

7 THE WITNESS: Thank you.

8 THE COURT: Redirect?

9 MS. COLLINS: No, Your Honor.

10 THE COURT: Does anybody want Agent Allen subject  
11 to recall?

12 MR. McBURNEY: Scherck.

13 THE COURT: You do?

14 MR. McBURNEY: Agent Scherck.

15 THE COURT: Does anyone want Agent Scherck subject  
16 to recall?

17 MS. COLLINS: Not for the government, Your Honor.

18 THE COURT: Because I guess we let Agent Allen go  
19 already.

20 MR. McBURNEY: We did, and he's not coming back.

21 THE COURT: I just wanted to confirm that.

22 So now that Agent Scherck is done, does anyone want  
23 Agent Scherck subject to recall?

24 MS. COLLINS: Not for the government.

25 THE COURT: Mr. Sadequee?



1 MR. SADEQUEE: No.

2 THE COURT: We appreciate your testimony. Please  
3 don't discuss it with anybody until you hear the case is  
4 over.

5 THE WITNESS: Thank you.

6 THE COURT: Thank you.

7 How long is your next witness?

8 MS. COLLINS: Our next witness is Evan Kohlmann, so  
9 he will be longer, long.

10 THE COURT: Do you mind if we take a shortened  
11 afternoon break? Because I would like to get this next  
12 witness' testimony in today.

13 I hope we can do that by five. I really would like  
14 to get that testimony completed for a variety of  
15 reasons. Does anybody have a problem if we have to stay a  
16 little late this evening? If you do, raise your hand, let  
17 me know.

18 I saw movement. It must have just been a twitch  
19 then.

20 All right. Let's take a very short break,  
21 hopefully less than ten minutes. Let's try to be back here  
22 at ten after.

23 Of course, you know not to discuss the case amongst  
24 yourselves.

25 (In open court without a jury present:)



1           THE COURT: If we can get back in less than ten  
2 minutes, I would like to do that. So if you need comfort  
3 breaks, take them right away and come back. Because as soon  
4 as you are ready, we will tell the jury we are ready and we  
5 will get started.

6           MR. McBURNEY: We will be ready.

7           THE COURT: All right. We will be in recess for a  
8 couple of minutes.

9           (A recess is taken at 4:01 p.m.)

10                               -- -- --

11           (In open court without a jury present at  
12 4:09 p.m.):)

13           THE COURT: Anything we need to discuss before we  
14 bring the jurors back?

15           MS. COLLINS: Not from the government.

16           THE COURT: Mr. Sadequee?

17           MR. SADEQUEE: No.

18           THE COURT: Mr. Sadequee, I know it's late in the  
19 week, but we do need to move the cross-examination  
20 along. There was a lot of redundancy, I think it's probably  
21 because we are at the end of the week, but let's try to be as  
22 succinct as possible.

23           Bring the jurors in, please.

24           Of course, I'm not saying you shouldn't ask all  
25 your questions, but if we could organize it in a way that



1 it's efficient, it would be helpful. Thank you.

2 (In open court with a jury present:)

3 THE COURT: All right. We are still in the  
4 government's case. Please call your next witness.

5 MS. COLLINS: The next witness is Evan Kohlmann.

6 -- -- --

7 EVAN F. KOHLMANN

8 being first duly sworn by the Courtroom Deputy, testifies and  
9 says as follows:

10 -- -- --

11 DIRECT EXAMINATION

12 BY MS. COLLINS:

13 Q. Good afternoon, Mr. Kohlmann. Can you state your name  
14 and spell your last name for the court reporter, please?

15 A. Yes, my name is Evan F. Kohlmann, K-o-h-l-m-a-n-n.

16 Q. If you could move the microphone just a little closer to  
17 you?

18 A. Sure. Is that better?

19 Q. Thank you.

20 Mr. Kohlmann, what do you do for a living?

21 A. I work as an international terrorism consultant.

22 Q. What does that mean? Can you summarize the subject  
23 matter of your work?

24 A. Yes. I provide consulting services to law firms, to  
25 government agencies, the news media, to academic



1 organizations and universities, on the recruiting, financing,  
2 propaganda, communications of contemporary terrorist  
3 organizations.

4 Q. And what specific terrorist groups do you focus on in  
5 your research?

6 A. Generally speaking, I focus primarily on Al-Qaeda and  
7 other transnational jihadi movements.

8 Q. What do you mean by transnational jihadi movements?

9 A. By transnational jihadi movements, I'm referring to  
10 movements which aspire an interest or a mission regarding  
11 jihad or physical holy war, and who have interests that go  
12 beyond the borders of a single country. In other words, they  
13 have been involved in activities that go beyond simply  
14 national politics.

15 Q. And would that include groups based -- you mentioned  
16 Al-Qaeda. Would that also include groups based in Pakistan  
17 or other countries?

18 A. That's correct. It includes groups based in  
19 Afghanistan, Pakistan, Bosnia-Herzegovina, the Caucasus,  
20 Northern Africa and beyond.

21 Q. Before we get into the substantive -- your substantive  
22 testimony, I would like to talk to you a little bit about  
23 your background.

24 Where did you do your undergraduate studies?

25 A. I did an undergraduate degree at the Edmund A. Walsh



1 School of Foreign Service at Georgetown University in  
2 Washington, D.C.

3 Q. And what was the degree that you received?

4 A. The degree I received was a degree in International  
5 Politics with a focus in international securities studies.

6 Q. And did you also have a minor or some type of  
7 certificate program?

8 A. Yes. While at the Georgetown University, I was involved  
9 in the Center for Muslim-Christian Understanding, where  
10 I achieved a certificate in Islam and Muslim-Christian  
11 Understanding.

12 Q. And did you also obtain any graduate degrees?

13 A. Yes.

14 Q. What was that?

15 A. I have a J.D. or a law degree from the University of  
16 Pennsylvania Law School.

17 Q. Now, while you were studying, did you also work?

18 A. Yes, I did.

19 Q. And where did you work?

20 A. Starting in approximately 1997, I worked at a think tank  
21 in Washington, D.C., known as the Investigative Project.

22 Q. And when did you stop working at the Investigative  
23 Project?

24 A. Approximately late 2003.

25 Q. Okay. Now, explain for the jury very briefly what the



1 Investigative Project is?

2 A. The Investigative Project is a nonprofit  
3 counterterrorism research and watchdog group based in  
4 Washington, D.C., that was founded in 1995 by a former CNN  
5 journalist.

6 Q. And what is the purpose of that organization?

7 A. The purpose is to investigate the communications,  
8 financing, recruitment, propaganda of contemporary terrorist  
9 organizations with a focus on transnational jihadi movements.

10 Q. Okay. And what were your duties while you were working  
11 there?

12 A. My main focus was on Al-Qaeda specifically there,  
13 gathering open-source information about Al-Qaeda, collating  
14 that information, interviewing individuals in the field,  
15 representatives of terrorist organizations, attending  
16 conferences, attending rallies, and then filtering this  
17 information, cutting it down into discrete memorandums, a  
18 book, papers, congressional testimony, for the benefit of  
19 wide audiences.

20 Q. And after you left the Investigative Project in you said  
21 2003 or so --

22 A. Late 2003, that's correct.

23 Q. -- late 2003, what did you do?

24 A. I founded my own independent consulting firm.

25 Q. Okay. And did the focus of your research change at all



1 after you became a private consultant?

2 A. No, not really.

3 Q. Okay. So what -- let me ask you this. You said you  
4 researched Al-Qaeda and other transnational groups. Did you  
5 expand to Iraq? Is that a country or an area that you have  
6 researched terrorism organizations in?

7 A. Yes. It happens that in late -- in mid2003 following  
8 the U.S. invasion of Iraq, several different transnational  
9 jihadi movements established bases of operations inside of  
10 Sunni regions of Iraq.

11 The conflict in Iraq and particularly the involvement of  
12 transnational jihadi movements and transnational Mujahideen  
13 or transnational holy warriors became a central focus of my  
14 research.

15 Q. And what about a group like the Taliban, is that also a  
16 part of your research into transnational jihadi groups?

17 A. Yes, because again the Taliban is a jihadi  
18 movement. It's a movement that espouses an interest in jihad  
19 and it crosses over national borders. There are Taliban  
20 cells or Taliban networks in both Pakistan, Afghanistan, and  
21 elsewhere.

22 Q. And what about a group called Lashkar-e-Tayyiba, is that  
23 also part of your research?

24 A. Yes, it is.

25 Q. Now, you mentioned some of the clients you worked for or



1 that you do consulting work for. One of them you mentioned  
2 is the U.S. government. Does that include consulting work in  
3 criminal cases?

4 A. Yes, I do do consulting work on behalf of the FBI and  
5 the U.S. Justice Department.

6 Q. And how many times have you testified as an expert  
7 witness on international terrorism matters in federal court  
8 for the government?

9 A. In U.S. federal court, I have testified in 16 different  
10 cases on behalf of the U.S. government.

11 Q. Were there also cases where you were hired by the  
12 government as an expert but you didn't testify?

13 A. Yes. I can't remember the exact number, but it was  
14 about ten other cases, yes.

15 Q. And are you retained as an expert consultant in this  
16 case?

17 A. Yes, that's correct.

18 Q. And are you being paid at your standard rate?

19 A. Yes.

20 Q. Have you done the same type of consulting work for  
21 foreign governments as well?

22 A. Yes, I have also done consulting work on behalf of  
23 New Scotland Yard in the United Kingdom, the Crown  
24 Prosecution Service in the United Kingdom, the Danish  
25 Intelligence Service, the Australian Federal Police, the



1 Australian Commonwealth Prosecutor's Office, the  
2 Supreme Court of Bosnia-Herzegovina, the International Court  
3 of Justice at the Hague, and various other governments.

4 Q. During the course of your work, have you published your  
5 research on the various groups that you researched?

6 A. Yes, I have.

7 Q. And have you published a book?

8 A. Yes, I have.

9 Q. And what was that book about, just very briefly?

10 A. Sure. The book was about how transnational jihadis and  
11 transnational Mujahideen moved from Afghanistan in the early  
12 1990s and expanded into other conflict zones with the idea of  
13 expanding the reach of their mission and their operations,  
14 particularly focused on the conflict in the Balkans, the  
15 conflict in Bosnia-Herzegovina that took place during the mid  
16 1990s.

17 Q. And has that book been used in academic studies?

18 A. Yes, it's been used as a course text in places like  
19 Harvard, Johns Hopkins, Princeton.

20 Q. Now, I would like to talk a little bit about your  
21 research sources. What types of information do you use in  
22 your research?

23 A. I primarily use what are known as open sources.

24 Q. And what does that mean?

25 A. An open source is a public source of information. It



1 may not be easy to get your hands on, but it's not  
2 intelligence information. It's not an intelligence report.

3 It's information that would include a direct interview  
4 that I have with the leader of an extremist organization, a  
5 video recording that I am able to obtain of the leader of a  
6 terrorist organization speaking, a website operated by a  
7 terrorist organization.

8 In other words, sources that are not secret but that may  
9 be difficult to get your hands on.

10 Q. And how do you rank those types of -- your sources in  
11 terms of the importance to your research? What's the first  
12 thing that you would rely on, second, third, et cetera?

13 A. Of course. At Georgetown University I was taught to  
14 evaluate sources in different ways, and you have primary,  
15 secondary and tertiary sources.

16 A primary source would be the best kind of source. That  
17 would be going into the field, speaking directly with the  
18 leader of a terrorist organization, witnessing an event  
19 directly.

20 But obviously in the world of terrorism, you know, it's  
21 a bit of an underground world, so getting that direct kind of  
22 contact is not always feasible.

23 So then we turn to what are known as secondary  
24 sources. And in my view, secondary sources would be a video  
25 recording, an authentic video recording of a terrorist



1 leader, an authentic audio recording of an extremist leader,  
2 a video recording of an event.

3 Something that is self-authenticating. I wasn't there,  
4 but the evidence is pretty much in your face and it's pretty  
5 much -- it's laid in front of you.

6 A tertiary source would be a newspaper article, it would  
7 be a report written by another academic.

8 I try to stay away from tertiary sources. I use them  
9 merely to provide I guess you would call it greater context  
10 for the other materials that are in my reports and my other  
11 research. But my primary focus is on primary and secondary  
12 sources.

13 Q. Now, these primary and secondary sources, are they all  
14 already in English?

15 A. No.

16 Q. They are in various languages?

17 A. Some of them are in English, but many of them are also  
18 in Arabic or Urdu or other languages, yes.

19 Q. And how do you make sense of those documents? Are you  
20 fluent in Arabic?

21 A. I'm not fully fluent in Arabic, however I have a  
22 research assistant who is Jordanian who is obviously a native  
23 Arabic speaker who sits right next to me and we work  
24 together.

25 As well I work as part of a network of individuals based



1 in the U.K., in Afghanistan and Pakistan. We collect  
2 information as a group, we share information, and as a result  
3 I also have access to other language resources.

4 For instance, my colleagues in Pakistan have Urdu and  
5 Pashto speakers that I can turn to, or Turkish speakers, if  
6 I need something translated in another language.

7 Q. Okay. Now, talking about the first, the primary  
8 sources, the interviews and the like with terrorists and  
9 terrorist organizations, without getting into individual  
10 people, can you talk about the type of people who you try to  
11 interview --

12 A. Yes.

13 Q. -- and who you have interviewed?

14 A. Yes. Obviously, I try not to put my own safety too much  
15 at risk, but I try to interview individuals who have a  
16 reputation for having a good degree of inside knowledge of  
17 the interior of mujahideen organizations, people that have a  
18 long history of running the organizations, along with clerics  
19 and political supporters, organizers, financiers, recruiters,  
20 based here in the United States, based in the U.K., Europe  
21 and elsewhere.

22 Q. And the second source that you mentioned was  
23 materials -- original materials from terrorist  
24 organizations. How do you obtain those materials?

25 A. Well, through various different means. Terrorist



1 organizations originally when they wanted to disseminate  
2 their propaganda had a bit of a problem, because you can't  
3 exactly put terrorist propaganda on TV.

4 So one of the ways that they found to get the stuff out  
5 is by marketing it through radical bookstores based in Europe  
6 primarily. So I would go on expeditions into Europe and I  
7 would collect information on the bookstores, I would collect  
8 videotapes, I would collect out of mosques, you name it.

9 But as time went on, these organizations more and more  
10 began to adapt to the internet and began using the internet  
11 as the main way in which they disseminated their  
12 propaganda. It's much safer than operating a bookstore, it's  
13 much easier to get away with it, and as a result basically  
14 every single major jihadi faction that we deal with on a  
15 regular basis had its own web presence.

16 In fact, for most of these organizations, the primary  
17 way through which they release their propaganda, their claims  
18 of responsibility for individual operations, biographies of  
19 leaders, magazines, videos, all that stuff pretty much comes  
20 directly through the internet.

21 Q. And when you talk about the web presence of these  
22 groups, what types of sites are you talking about?

23 A. Well, there is two different kinds of sites.

24 There is a strict physical website, Microsoft.com, where  
25 you would go on and an organization, for instance, like the



1 Islamic Jihad Union, which is a terrorist organization based  
2 in Pakistan, they have their own physical website. You could  
3 go to it, it has all their information laid out.

4 However, most groups don't work this way. Most groups,  
5 what they do is that they are a part of discussion forums,  
6 particular Arabic language discussion forums, and they  
7 contribute their material as individual users.

8 There are discrete sections of these forums where only  
9 authenticated jihad correspondents are allowed to post their  
10 information. In other words, these forums operate like jihad  
11 data sections where you can go and you can get the  
12 latest-breaking audio recording, video recording communique  
13 directly from the representative of that group.

14 I should add, some of these forums are  
15 password-protected. They require log-ins and passwords to be  
16 able to access them.

17 But that is the main way, through these forums.

18 Q. Now, how would one know if you did enter one of those  
19 discussion forums and they had a section for posting things  
20 from a jihadi organization, how do you know those things are  
21 authentic and actually associated with that terrorist  
22 organization?

23 A. Well, some of it is self-authenticating. There are  
24 high-resolution video recordings of suicide bombings,  
25 recordings -- original recordings of Osama Bin Laden,



1 Ayman al-Zawahiri, other Al-Qaeda leaders that simply cannot  
2 be faked. And even the CIA, among other organizations, have  
3 verified that these are authentic.

4 And what's more is that these organizations themselves  
5 have come out with statements saying, Look, if you had any  
6 question about it, if you had any doubt about it, this is  
7 where our stuff comes through. There is no mystery to it,  
8 there is no secret behind it. We disseminate our material  
9 through these particular forums, and that's where you can get  
10 our stuff from.

11 Q. Now, you mentioned some of these forums are  
12 password-protected, you need a user name and log-in. Were  
13 you able to get access to some of those nonpublic forums?

14 A. Yes.

15 Q. And what did you -- how did that form a part of your  
16 research? Did you -- what did you do once you were on  
17 there?

18 A. Well, I began collecting every single statement, every  
19 single video, every single magazine from every single  
20 transnational jihadi organization, and I began saving these  
21 items as business records, clearly marking them with the date  
22 that they were originally posted, the source, the title, even  
23 the thread number.

24 Each post on a forum has its own unique thread number,  
25 kind of like a telephone number, so that, in other words,



1 later on if I wanted to go back and replicate what I had  
2 done, I could simply plug this number into this forum and  
3 show people exactly what I had seen.

4 Now, I saved copies of all this material so that I have  
5 a complete database of basically every single item released  
6 by every single significant jihadi movement on the internet.

7 Q. Now, you said that some of these, the postings by  
8 terrorist organizations are self-authenticating. But do you  
9 also apply some type of analysis or evaluation of that  
10 information to satisfy yourself that it is authentic, as well  
11 as to integrate it with the rest of your research?

12 A. Yes. Social science researchers engage in something  
13 that's known as comparative analysis.

14 What we do is we take the information that's contained  
15 in these videos or in these documents or in these magazines,  
16 and we compare what's in there with other information that we  
17 have from these organizations that we know to be authentic,  
18 and we see how does this correspond or how does it not  
19 correspond with the information that we already know, does  
20 this match exactly with what we already know.

21 Because if it matches, and it's the same logo, it's the  
22 same style, it's the same people, it's the same names, it's  
23 the same themes, the same -- the same everything, then  
24 clearly that is an indicator that this is also an authentic  
25 item.



1 Q. Okay. And you mentioned that you have made a  
2 comprehensive collection of a number of these materials. Was  
3 one of the sites that you collected a lot of information from  
4 something called the Al-Ansar Forum?

5 A. Yeah, Muntada Al-Ansar.

6 Q. And did you also -- did Tibyan Publications ever form a  
7 part of your research in that way as well?

8 A. Yes, it did.

9 MS. COLLINS: Your Honor, at this point the  
10 government would proffer Mr. Kohlmann as an expert witness.

11 THE COURT: On what issues?

12 MS. COLLINS: On issues of international terrorism  
13 relating to Al-Qaeda, the Taliban, LeT, as well as  
14 Tibyan Pubs and the Al-Ansar Forum.

15 THE COURT: Yes, I have already ruled that he's  
16 qualified on those issues.

17 MS. COLLINS: Thank you, Your Honor. Then we will  
18 go on to the substantive portion of Mr. Kohlmann's testimony.

19 BY MS. COLLINS:

20 Q. If we could put up Exhibit 76, page eight?

21 This is a chat attached to an e-mail that was sent from  
22 Mr. Sadequee to Mr. Ahmed. And on this page, in the middle  
23 of the page Mr. Sadequee says -- refers to Mr. Ahmed as a  
24 genius because he had an idea which blows everything away,  
25 and he characterizes the idea as it's kind of like a Badr R.



1           Are you familiar with Badr R?

2       A.    I believe I am, yes.

3       Q.    What is it?

4       A.    I believe that's a shortened version of Badr al-Riyadh.

5       Q.    What is Badr al-Riyadh?

6       A.    Badr al-Riyadh, or the Battle of Badr and Riyadh, was a  
7    propaganda video released by Al-Qaeda in Saudi Arabia which  
8    depicted the planning and execution of suicide car bomb  
9    attacks on residential housing compounds inside Saudi Arabia  
10   that took place in 2004.

11      Q.    Now, you mentioned Al-Qaeda in Saudi Arabia.  What  
12   relation does that have to Al-Qaeda?

13      A.    Al-Qaeda in Saudi Arabia is an official franchise of the  
14   main Al-Qaeda in Afghanistan.  It's run by a local  
15   leadership; however, the local leadership that runs the  
16   organization in Saudi Arabia consists of former bodyguards of  
17   Osama Bin Laden, former training camp managers from  
18   Afghanistan.

19           In other words, the people that are running the  
20   organization in Saudi Arabia are exactly the same as the  
21   people who are manning the organization in Pakistan and  
22   Afghanistan.

23      Q.    And what are the goals of Al-Qaeda in Saudi Arabia and  
24   Al-Qaeda, if they are part of the same organization?

25      A.    Well, they are synonymous.  But Al-Qaeda's goal is,



1 generally speaking, is to remove all western influences from  
2 the Middle East, from the Muslim world, to help reestablish  
3 the rule of a greater Khalifate or a greater Islamic empire,  
4 and to establish the rule of shariah or Islamic law in the  
5 Muslim world.

6 Al-Qaeda in Saudi Arabia obviously has all those  
7 aspirations; however, it's focused very specifically on  
8 Saudi Arabia. So its local tactical goal is to attack U.S.  
9 forces in Saudi Arabia, attack the Saudi government, attack  
10 foreign contractors who are working in Saudi Arabia,  
11 Americans, Britains and others, to destabilize the energy  
12 market, petroleum market, and to otherwise weaken the grip of  
13 the Saudi government.

14 Q. Now, referring to the larger organization of Al-Qaeda,  
15 who is that led by?

16 A. The larger organization is Shaykh Osama Bin Muhammad  
17 Bin Laden.

18 Q. And what attacks has Al-Qaeda committed against the  
19 United States --

20 A. Al-Qaeda --

21 Q. -- before 2005?

22 A. Before 2005, sure.

23 Al-Qaeda is responsible for the August 7, 1998, bombings  
24 of two U.S. embassies in East Africa, in Kenya and Tanzania;  
25 the October 2000 bombing of the *U.S.S. COLE*, a U.S. warship



1 based off the coast of Yemen; the September 11, 2001,  
2 terrorist attacks in the United States; the October 2002  
3 bombing of the French supertanker *LINDBERGH* also off the  
4 coast of Yemen; the July 2005 bombings in London. Among  
5 various other incidents, including attacks in Tunisia,  
6 Pakistan and beyond.

7 Q. Now, in addition to Al-Qaeda in Saudi Arabia, do other  
8 organizations take that Al-Qaeda name as their own and join  
9 that Al-Qaeda franchise?

10 A. Yes. For instance, in 2007, you had a group in Algeria  
11 that was known as the Salafist Group for Prayer and Combat  
12 that was looking to increase its profile. So they engaged in  
13 negotiations with Bin Laden and they eventually changed their  
14 name to Al-Qaeda's Network in the Islamic Maghreb. The  
15 Maghreb refers to the region of North Africa.

16 Q. Could we put up Exhibit 241, please?

17 There is a logo at the top in the middle -- the middle  
18 top of this page. Do you recognize that logo?

19 A. Yes.

20 Q. This was an announcement issued by a group that called  
21 itself Al-Qaeda in Northern Europe. But what is that logo?

22 A. That logo was taken directly from several communiques'  
23 issued by Al-Qaeda cells in Saudia Arabia. When Al-Qaeda  
24 wanted to claim responsibility for particular suicide bombing  
25 attacks in Saudia Arabia, they issued several claims of



1 responsibility under that particular letterhead. In 2004  
2 I should say.

3 Q. Now, Mr. Kohlmann, you indicated that Tibyan  
4 Publications was one of the sites that you researched?

5 A. That's correct.

6 Q. We have heard some testimony about this already, but  
7 just to briefly explain, what was Tibyan Publications?

8 A. Tibyan Publications was a website that was dedicated to  
9 translating Salafi-Jihadi videos, books and magazines into  
10 English. By Salafi-Jihadi, I'm referring to individuals who  
11 are of Salafi Islamic mindset, but who very firmly advocate  
12 the concept of jihad, or physical holy war, as a central  
13 part, a central religious obligation.

14 In this case, that -- in the case of Tibyan  
15 Publications, that included everything from fatwahs or  
16 Islamic edicts authorizing suicide operations, to  
17 translations of Al-Qaeda videos.

18 Q. And were there multiple parts to Tibyan Publications?

19 A. Yes, Tibyan actually had two different sites. One  
20 Tibyan site was a strict kind of very, you know, regular  
21 website, like a Microsoft.com website, where they simply  
22 offered for download these various texts openly to whoever  
23 wanted to download them.

24 The other web site was a forum, was a discussion forum,  
25 this one obviously was in English, where you had people who



1 were involved in creating Tibyan Publications material who  
2 were supporters of Tibyan, who were interested in Tibyan,  
3 discussing these issues. Among other things, the conditions  
4 upon which it's justified to kill women and children,  
5 et cetera, et cetera. They were debating these, the finer  
6 points of jihad.

7 Q. And which of those two sites were you monitoring?

8 A. I was monitoring the open site, because I didn't have a  
9 log -- actually Tibyan Publications, the forum, was the only  
10 website that I never was able to get a log-in and a password  
11 for, because they were so judicious about who they let on  
12 there.

13 Q. Now, can you put up Exhibit 39, please?

14 This is a Tibyan Publications post from a discussion  
15 forum site logging in as the defendant, and this is a post  
16 where the defendant says in the middle:

17 Insha'Allah, soon there will be a Shaykh Abu  
18 Musab video we will be releasing.

19 Who is Shaykh Abu Musab?

20 A. I believe in this context, this is referring to  
21 Shaykh Abu Musab al-Zarqawi, otherwise known as  
22 Ahmed al-Khalayleh, the founder and original leader of  
23 Al-Qaeda in Iraq.

24 Q. And do you recall seeing a video that was released by  
25 Tibyan Publications involving Zarqawi?



1 A. Yes.

2 Q. What was the --

3 A. It was a --

4 Q. I'm sorry, I withdraw the question. I'm sorry.

5 A. Sorry.

6 Q. Going on to Exhibit 152, again, this is another post  
7 from the discussion forum logging in as the defendant.

8 On page two of this exhibit, the second post, there is a  
9 list of names here under the heading -- or the subject matter  
10 is, Re: This is what we call to At-Tibyan Publications. The  
11 post is, Whom do we Regard as Authentic Scholars of This  
12 Era?

13 Are all these people scholars, or are some of them  
14 affiliated with terrorist organizations?

15 A. I would say they are not just affiliated with terrorist  
16 organizations, they are leaders and founders of terrorist  
17 organizations.

18 Q. Can you give us some examples?

19 A. Yes, of course.

20 You have got here -- you have got Shaykh Abdullah Ibn  
21 Muhammad ar-Rashood.

22 Q. Mr. Williams -- oh, you have a pointer, a laser pointer  
23 right there, you can use it to point to the screen.

24 MR. McBURNEY: Turn it a over.

25 MS. COLLINS: The other direction.



1 A. All right. Right here, Shaykh Abdullah Ibn Muhammad  
2 ar-Rashood, right here. Shaykh Abdullah Ibn Muhammad  
3 ar-Rashood is primarily known because of the fact that he was  
4 featured in a video -- he was a leader of Al-Qaeda in  
5 Saudia Arabia.

6 He was featured in a video released by Al-Qaeda in  
7 Saudia Arabia entitled "And Incite the Believers." The video  
8 featured him siting in front of an antitank missile with a  
9 machine gun sitting behind him talking about knocking down  
10 large buildings.

11 Shake ar-Rashood was eventually killed in 2005 fighting  
12 with U.S. forces in Al Qa'im in western Iraq.

13 The person right underneath him, Imam Umar Abdur-Rahman,  
14 otherwise known as the Blind Shaykh, was convicted in a U.S.  
15 court for seditious conspiracy in 1995 and is currently being  
16 held in a super max prison.

17 This individual helped found both the terrorist  
18 organizationsal Jamaat al-Islamiyya, the Egyptian Islamic  
19 Group, and also the Egyptian Islamic Jihad Movement.

20 Right here you see Imam Yusuf Al-Uyayree, right  
21 here. Imam Yusuf al-Uyayree is the founder, the actual  
22 founder of Al-Qaeda in Saudia Arabia.

23 Yusuf al-Uyayree is a former bodyguard of Osama Bin  
24 Laden. He participated allegedly in the 1993 Blackhawk Down  
25 incident in Somalia, and he also helped orchestrate several



1 suicide bombing missions inside Saudia Arabia in 2003 and  
2 2004. He was eventually killed by Saudi security forces.

3 Right underneath here you have Shaykh Abu Jandal Faris  
4 az-Zahrani al-Azdee. Faris az-Zahrani, Shaykh Abu Jandal  
5 al-Azdee. This guy right here is another member of Al-Qaeda  
6 in Saudia Arabia. He was featured in Al-Qaeda in  
7 Saudia Arabia magazines boasting about how the Saudi  
8 government couldn't catch him. He was a key philosopher  
9 behind Al-Qaeda in Saudi Arabia, but he was also a key  
10 Al-Qaeda member engaged in actual military operations.

11 The name right under there, Shaykh Abu Abdir-Rahman  
12 Sultan al-Utaybe. Sultan al-Utaybe was a senior Al-Qaeda  
13 member in Saudia Arabia who was involved in planning  
14 operations inside of Saudia Arabia, and also allegedly  
15 responsible for attempting to plan operations inside of the  
16 United States.

17 Right below him, Shaykh Abu Umar as-Sayf is a Saudi, he  
18 is the deputy -- he was the deputy commander of something  
19 known as the Islamic Army of the Caucasus.

20 In Chechnya in 1999, a group of foreign fighters stepped  
21 in and started waging a war against the Russians and against  
22 their local allies. Many of them were Chechens, but they  
23 also had foreign allies.

24 Shaykh Abu Umar as-Sayf was basically among the top two  
25 most important foreigners. He's a Saudi. He's so important



1 that when Al-Qaeda in Saudia Arabia released videos of their  
2 own operations inside Saudia Arabia, they included clips of  
3 Abu Umar as-Sayf speaking as they played their missions,  
4 that's how important he was to their operations.

5 Q. Okay. Thank you.

6 A. I think that -- yeah, that's basically good.

7 Q. Taking a look at Exhibit 156, this is a private message  
8 sent from the defendant to an individual named Saajid. And I  
9 would like to go to page two of this exhibit.

10 In the top -- the first line says:

11 Also, read the two books that we released in  
12 the "Delighting the Eyes" series, as these are  
13 specifically being released for a special group of  
14 readers. Make the love of Shahaadah your main  
15 thoughts which go through your heart all day.

16 Are you familiar with the "Delighting the Eyes" series?

17 A. Yes.

18 Q. Was that something that was published on Tibyan  
19 Publications?

20 A. Yes, it was.

21 Q. And what is the nature of that, what is that "Delighting  
22 the Eyes" series?

23 A. Well, there were actually three books that were  
24 eventually published in the series.

25 The two first books which I believe are being referred



1 to here are, first of all, a book written by Shaykh Yusuf  
2 Al-Uyayree, the individual who I just discussed before who  
3 founded Al-Qaeda in Saudia Arabia. The title of that was *The*  
4 *Islamic Ruling on the Permissibility of Self-Sacrificial*  
5 *Operations, Suicide or Martyrdom*, in which al-Uyayree  
6 advised individuals that the present contemporary form of  
7 martyrdom is to pack a suitcase full of explosives and  
8 detonate it in a large crowd of people.

9 The second document that was released through that  
10 series was the *Ruling on Killing One's Self to Protect*  
11 *Information*, which was a joint writing written by an Al-Qaeda  
12 theologian in Saudia Arabia and the deputy commander of  
13 Al-Qaeda, Dr. Ayman al-Sawahiri.

14 Q. The last book that you just mentioned, *The Ruling*  
15 *Regarding Killing One's Self to Protect Information* -- can we  
16 bring up Exhibit 60-A -- is this a version of the text you  
17 were referring to?

18 A. Yes, that is, but that's not the final version that was  
19 published.

20 Q. Now, is the final version that was published, can you  
21 pull up Exhibit 54-A?

22 A. That's the final version that was published.

23 Q. So the version that we saw before may have been an  
24 earlier version of that, you don't know?

25 A. Possibly, but that's the version that was published by



1 Tibyan.

2 Q. Okay. Now, I would like to go back to Exhibit 152, the  
3 first page of that. This is a post by the defendant, and  
4 there is an Al Battar below him. Do you recognize that  
5 photo?

6 A. Yes.

7 Q. Who is that?

8 A. That is an individual by the name of Esa al-Awshin.  
9 E-s-a A-w-s-h-i-n. Esa al-Awshin was the editor in chief of  
10 Al-Qaeda in Saudia Arabia's official magazine known as *The*  
11 *Voice of Jihad Magazine* or *Sawt al-Jihad*. Esa al-Awshin was  
12 basically their cyber guru, their propaganda man, very  
13 famous.

14 He was eventually I believe killed by Saudi officials;  
15 however, his story and his example continue to be retold by  
16 Al-Qaeda in Saudia Arabia because they credit him with  
17 helping move them into this cyber generation or the cyber  
18 era.

19 Q. Now, are you familiar with something called *Al Battar*?

20 A. Yes.

21 Q. And what does that -- what is *Al Battar*?

22 A. *Al Battar* it's a military -- it's a serialized military  
23 manual. It comes in various different parts, part one, part  
24 two, part three. But it's an adjunct to *Voice of Jihad*  
25 *Magazine*, the publication of Al-Qaeda in Saudia Arabia. It's



1 supposed to be an accompanying manual. He was also the  
2 editor of *Al Battar*.

3 Q. Can you bring up Exhibit 122?

4 What time period was *Al Battar* published in?

5 A. Starting in late 2003 and running all the way to late  
6 2004, 2005 I think even.

7 Q. Okay. Taking a look at this -- this is a chat on April  
8 18th, 2005, and it involves the defendant. And here the  
9 defendant is asking:

10 Can you sending me the links for 11 plus of

11 *Battar*.

12 Is that the same *Al Battar* that you were talking about?

13 A. Yes, and that would match. There was only I believe a  
14 total of 22 issues of *Al Battar*, but, yeah, it does appear to  
15 be a reference.

16 Q. And just putting up Exhibit 123, do you recognize this?

17 A. Yes.

18 Q. What is that?

19 A. That is the cover of *Al Battar*, Issue No. 1.

20 Q. And what is that logo in the middle there underneath the  
21 text?

22 A. You mean this?

23 Q. Yes.

24 A. This logo right here is the official organizational logo  
25 of Al-Qaeda in Saudia Arabia. Every single major propaganda



1 document issued by them other than official claims of  
2 responsibility -- in other words, every single magazine,  
3 every single *Al Battar* had this logo on it.

4 Q. Is that why that logo doesn't match the one that we saw  
5 on the prior Al-Qaeda in Northern Europe?

6 A. Yeah. The other one was used by tactical units in their  
7 official claims of responsibility. However, when Al-Qaeda as  
8 an organization issued a magazine or issued a fundamental  
9 document, that's the logo they have.

10 Q. Okay. Turning to Exhibit 112, page 15, this is a chat  
11 involving the defendant on April 21, 2005. At line 4:39:22,  
12 he says:

13 I was thinking we should be with LT.

14 What is LT?

15 A. I believe LT here is Lashkar-e-Tayyiba.

16 Q. And where -- what is Lashkar-e-Tayyiba, can you explain?

17 A. Lashkar-e-Tayyiba means Army of the Pure. It's a  
18 transnational jihadi movement that was begun in approximately  
19 1988 -- or 1987 really inside of Afghanistan.

20 Its initial purpose was to help the Afghans fight the  
21 Soviet jihad by recruiting Pakistanis to fight as part of  
22 that jihad.

23 However when the struggle ended in Afghanistan, the  
24 organization decided instead to refocus its efforts on a new  
25 conflict on the other side of the Pakistani Northwest



1 Frontier Province, the conflict being over a region called  
2 Kashmir, which is the disputed region lying between India and  
3 Pakistan. Numerous wars have been fought over it between  
4 India and Pakistan. A new conflict erupted in 1989.

5 So these guys saw what was going on, said, Look, the  
6 jihad is over here in Afghanistan now, but it's continuing in  
7 Kashmir. So now we need to take all our efforts and simply  
8 refocus it just in the other direction.

9 Q. Okay. And just we have heard a lot of testimony about  
10 Kashmir. Can you take a look on your desk, there should be  
11 an Exhibit 4?

12 A. Yes.

13 Q. What is that?

14 A. I believe it's a map of Pakistan and Afghanistan.

15 Q. Is it fair and accurate in terms of its depiction of  
16 those areas shown?

17 A. Yes.

18 MS. COLLINS: The government would move to admit  
19 Exhibit 4.

20 THE COURT: Any objection to the map of Pakistan?

21 MR. SADEQUEE: No objection.

22 THE COURT: It's admitted.

23 MS. COLLINS: Can you put Exhibit 4 on the screen?

24 BY MS. COLLINS:

25 Q. Can you orient us as to where Afghanistan and Pakistan



1 are as well as the Kashmir region?

2 A. Yes, of course. Afghanistan is of course right  
3 here. Lashkar-e-Tayyiba was founded in Kunar Province of  
4 Afghanistan, which is over in the far east, approximately  
5 over here.

6 Kashmir is right here. It's this area right  
7 here. Srinagar, that city right there, that's the capital of  
8 Kashmir, right here.

9 And the Kashmiri groups generally speaking, the Kashmiri  
10 resistance groups or liberation groups or terrorist groups,  
11 whatever you want to call them, they are all pretty much  
12 based right here in and around cities of Muzaffarabad and  
13 Balakot.

14 Q. Now, Srinagar -- I know I'm not pronouncing that  
15 correctly -- is that on the Indian-controlled side or the  
16 Pakistani-controlled side?

17 A. I believe that's on the Indian-controlled side.

18 Q. When you said that LeT was looking to fight the war in  
19 Kashmir, did they want to create an independent Kashmir or  
20 obtain control over Kashmir for Pakistan?

21 A. There is a multitude of different groups who fight in  
22 this region. Some of them are secular and they are looking  
23 to create an independent Kashmir, like for instance a group  
24 called the Jammu Kashmir Liberation Front. That wasn't  
25 Lashkar's goal.



1           Lashkar's goal was try to unite all the Islamic regions  
2           in this part of India that they felt should be part of  
3           Pakistan and help to solidify an Islamic state here inside of  
4           Pakistan. But the idea was to create one Islamic state, not  
5           multiple different states.

6           Q.    What are the means by which they sought to obtain  
7           control over Kashmir?

8           A.    Their primary method was through Mujahideen  
9           operations.

10          Lashkar has a particular style mission. They engage in  
11          what are known as fedayeen-style raids. A fedayeen-style  
12          raid is like a suicide commando raid. It involves a group of  
13          individuals who assault a target in a group, attempt to take  
14          it over, and then simply sit there and resist as long as  
15          possible until they are overcome.

16          Q.    Now, are they targeting solely a target area, or do they  
17          attack India as well?

18          A.    They attack India as well.

19          Q.    And in those attacks, have any of them targeted  
20          civilians?

21          A.    Yes.

22          Q.    Can you describe one?

23          A.    Sure. In December of 2000, Lashkar-e-Tayyiba launched a  
24          fedayeen raid on something known as Red Fort in Delhi in  
25          India. Red Fort used to be an Indian barracks in history,



1 but now it's primarily a tourist attraction for people coming  
2 to Deli.

3 They launched a fedayeen-style raid on this, they shot a  
4 tourist, and they openly claimed credit for the  
5 operation. They published propaganda posters, they published  
6 statements openly claiming credit and explaining that this  
7 was the first step in their mission to break up India.

8 Q. Now, when Lashkar operates and conducts their attacks,  
9 are they all -- do they look like a formal army? Are they  
10 wearing uniforms, do they have badges, do they carry flags  
11 when they go into these places to attack?

12 A. They might carry a banner, but if there's a banner, it's  
13 just the black banner with the Shahadah, the testament to  
14 Islam written on it. They don't wear uniforms. It's not  
15 well-organized. Again, it's individual cells being ordered  
16 to the front line and then moving in and carrying out  
17 fedayeen missions.

18 It's organized to the extent that they are carrying out  
19 attacks, but they certainly do not wear uniforms, they do not  
20 announce their presence. It's not a conventional-style  
21 military.

22 Q. Okay. And has the U.S. government taken any steps in  
23 terms of designating Lashkar as a terrorist organization?

24 A. Both the Pakistani government and the U.S. government.  
25 In December of 2001 the U.S. government named



1 Lashkar-e-Tayyiba as what is known as an FTO, a designated  
2 foreign terrorist organization, which prohibits Americans and  
3 others from providing financing, joining the organization,  
4 providing any kind of material support.

5 That was followed a month later in January of 2002 by an  
6 official ban on Lashkar-e-Tayyiba in Pakistan ordered by then  
7 leader -- then Pakistani leader General Pervez Musharraf.

8 Q. First I want to talk a little bit more about the U.S.  
9 designation.

10 On your desk should be Government's Exhibit 255. Do you  
11 recognize that?

12 A. Yes.

13 Q. What is it?

14 A. This is a page from the *Federal Register*. This is the  
15 *Federal Register* as of December 23, 2003. And it includes  
16 the redesignation of foreign terrorist organizations; namely  
17 here, Lashkar-e-Tayyiba and Jaish-e-Mohammed.

18 MS. COLLINS: Your Honor, the government would  
19 tender Exhibit 255.

20 THE COURT: Any objection?

21 MR. SADEQUEE: No objection.

22 THE COURT: It's admitted.

23 MS. COLLINS: Thank you, Your Honor.

24 BY MS. COLLINS:

25 Q. Now, you also mentioned the Pakistani government banned



1 LeT.

2 A. That's correct.

3 Q. Now, how then -- and that occurred when again?

4 A. That occurred in January of 2002.

5 Q. How has Lashkar-e-Tayyiba continued to operate in  
6 Pakistan after that ban?

7 A. What Lashkar did was they changed their name, they  
8 stopped speaking out about jihad so emphatically, and they  
9 began insisting that they were a completely new organization  
10 with no prior links to the previous organization, even though  
11 they had the same leadership, the same spokesman, and the  
12 same agenda. They just changed their name basically.

13 Q. Now, does Lashkar-e-Tayyiba support the Pakistani  
14 government?

15 A. I think the way to put it is that Lashkar-e-Tayyiba is  
16 willing to support the Pakistani government as long as the  
17 Pakistani government is willing to support Lashkar-e-Tayyiba  
18 and the concept of jihad.

19 Any time that the Pakistani government has in any way  
20 threatened the growth of jihad or has threatened other jihadi  
21 movements -- for instance, supporting the United States in  
22 Afghanistan -- Lashkar-e-Tayyiba has very forcefully and  
23 publicly come out and has condemned the Pakistani government  
24 for that.

25 In particular, in December of 2000 -- or excuse me, I



1 believe in 2001, the leader of Lashkar-e-Tayyiba,  
2 Hafiz Mohammad Saeed, said that God's wrath would be upon  
3 Pervez Musharraf for what he had done, his violations of the  
4 jihad.

5 Q. Now, I would like to talk a little bit about the  
6 membership and training in Lashkar-e-Tayyiba.

7 In 2005 did LeT have open training camps in Pakistan?

8 A. Well, I don't know if you would quite call them open,  
9 but there were training camps and they were looking for new  
10 recruits, yes.

11 Q. And where in Pakistan were those located?

12 If we could put up Exhibit 4?

13 A. They had a couple of camps. They had -- their main  
14 facilities are in this region here, which is Muzaffarabad,  
15 which is the capital of Pakistani-controlled or Azad Kashmir  
16 is right here. They had facilities here.

17 They had facilities up here near Balakot. They also had  
18 offices in Lahore, in Karachi, and also Muridke.

19 In Muridke, they have a big facility which is a camp  
20 slash madrassa slash farm slash gold fish factory -- it's a  
21 whole bunch of different things in one.

22 Q. And when you talk about training camps, what exactly do  
23 you mean? What's going on at those camps?

24 A. Well, Lashkar's camps taught recruits in various  
25 different levels.



1           They began by teaching people how to use an AK-47, how  
2           to conduct basic guerilla operations, very simple, basic, you  
3           know, paramilitary-style operations, the fedayeen missions  
4           that they were assigning to their troops.

5           However, Lashkar also offered -- openly offered,  
6           publicly stated as much, that promising recruits would then  
7           be upgraded to a new level of camp where they would be shown  
8           how to operate rockets, mines, mortars.

9           And from there, if people showed real promise and they  
10          really wanted training beyond what Lashkar could provide,  
11          then Lashkar would then offer these promising individuals a  
12          chance to graduate on to camps run by other organizations.

13       Q.    What other organizations would such camps be run by?

14       A.    Well, trainees from Lashkar-e-Tayyiba have gone to  
15       Al-Qaeda training camps in Afghanistan; namely, the al-Farooq  
16       training camp near Kandahar. They have also gone to camps  
17       run by Jaish-e-Mohammed. They have gone to Chechnya, they  
18       have gone to Bosnia, they have gone to Iraq.

19       Q.    So any number of places would be open to you after you  
20       went to an LeT training camp?

21       A.    Lashkar's -- one of Lashkar's founders was a Saudi  
22       Arab-Afghan; in other words, a Saudi who had helped establish  
23       the jihadi movement in Afghanistan during the 1980s. This  
24       individual helped really expand Lashkar's reach.

25            Because if Lashkar didn't already have a relationship



1 with another jihadi organization, they could simply go to  
2 someone like that and say, Look, we have got people, we don't  
3 have direct links, but we need your help.

4 But, yeah, I mean, Lashkar fighters have turned up in  
5 basically every single major conflict zone.

6 Q. Now, once a trainee was in the camp, would they be under  
7 the command and control basically of LeT?

8 A. Inside the camp, yes, and perhaps if they were fighting  
9 Kashmir, yes.

10 But once they left that region, they were pretty much  
11 independent operators. Lashkar, perhaps they were operating  
12 in the same vein as Lashkar, but Lashkar didn't have any  
13 control over them anymore.

14 Q. But in the camp they would have control over them?

15 A. Oh, definitely, yes.

16 Q. And were trainees sent to the -- strike that, you have  
17 already talked about that.

18 Going on, you mentioned that Lashkar had offices in a  
19 number of cities. In 2005 were they accepting recruits into  
20 their organization?

21 A. Yes, they were.

22 Q. And were they -- would that include nonPakistani  
23 individuals?

24 A. Yeah. Yes, I mean, for particular reasons. Because  
25 Lashkar is an organization which doesn't have the material



1 resources of some other terrorist organizations, and in order  
2 to obtain technology like pilotless drones, sophisticated  
3 weapons, money, Lashkar needed a foreign network.

4 So they relied upon individuals of the same sect as them  
5 who had immigrated to places like Canada and the  
6 United Kingdom, and they also relied upon the assistance of  
7 foreign fighters, people of nonPakistani origin or at least  
8 not originally from Pakistan, not born in Pakistan, who could  
9 provide them access to the outside world, who could provide  
10 them material support, and who could potentially provide them  
11 a Rolodex of other individuals to come and get training and  
12 fight with Lashkar-e-Tayyiba.

13 Q. Now, if someone showed up in one of their offices and  
14 said, Hey, I would like to join your organization, would they  
15 automatically be admitted, or was there some type of process  
16 that they would have to go through?

17 A. I mean, this is an organization which was officially  
18 banned in Pakistan as of July of 2002 and it was an  
19 organization that was widely talked about and discussed in  
20 western media.

21 It was an organization that was also very aware that  
22 there were efforts on the part of intelligence agencies to  
23 infiltrate them, and as such this is an organization which  
24 carefully reviews all of the recruits coming in and assess  
25 them to determine whether or not their interest was genuine



1 or whether or not they were potentially spies.

2 That's just basic operational security, and it certainly  
3 didn't escape the scrutiny of Lashkar and its leadership.

4 Q. So what process did they use to vet or to gauge new  
5 trainees?

6 A. Well, you couldn't just show up at a training camp. You  
7 couldn't show up at the Muridke headquarters, you know, with  
8 a big smile on your face and a backpack. You couldn't do  
9 that.

10 You had to go to either one of their recruitment  
11 offices, you had to call them on the telephone, you had to  
12 meet with them in person in a place, in a major city in  
13 Pakistan where they had a presence, so that one of their  
14 officials could check you out, could vet you, and could  
15 decide whether or not, number one, whether you were of any  
16 use to be in a camp to begin with, but number two, whether or  
17 not your interest was genuine.

18 Q. And did they also vet people via existing contacts?  
19 Would that help you if you already knew someone who was  
20 affiliated with that organization?

21 A. Yeah, it would be a -- especially if you knew someone  
22 from the senior leadership or you had contacts with the  
23 senior leadership, that would be the gold standard. Because  
24 in that case there would be a way for these guys to carefully  
25 trace back where you were coming from, who you knew, and what



1 your background was.

2 And so they were very eager to find people outside of  
3 Pakistan who could actually kind of help them with this  
4 vetting process before these individuals reached Pakistan.

5 Q. So they actually had nonPakistani or foreign people  
6 engaged in that vetting process --

7 A. Yes, including Americans.

8 Q. -- who would serve as contacts?

9 A. Including Americans, yes.

10 Q. People in the U.K.?

11 A. Yes.

12 Q. Are you familiar with an individual named Aabid Hussein  
13 Khan?

14 A. Yes.

15 Q. And how did you become familiar with him?

16 A. I worked as a consultant with the West Yorkshire Police  
17 on the case of Mr. Khan.

18 The West Yorkshire Police provided me with a  
19 forensically-preserved copy of Mr. Khan's hard drives and  
20 other computer materials, and hired me to do a forensic  
21 analysis of these materials, identifying relevant items on  
22 those drives, identifying conversations on those drives,  
23 video recordings on those drives, and provide an analysis of  
24 what all this meant.

25 Q. And based on your analysis as well as your background



1 research, did you draw any conclusions about whether Mr. Khan  
2 was involved in terrorist organizations in Pakistan?

3 A. Yes, I did.

4 I found in my search evidence that Mr. Khan had been in  
5 contact with at least two different known designated foreign  
6 terrorist organizations based in Pakistan; namely,  
7 Lashkar-e-Tayyiba and Jaish-e-Mohammed.

8 I also determined that Mr. Khan had taken other steps  
9 towards either recruiting individuals for jihad or for  
10 preparing an act of jihad on his own.

11 Q. Now, I would like to put up Exhibit 228.

12 Going to page five now, in the middle there is a line at  
13 7:05:41 -- this is a chat involving the defendant on  
14 September 19th -- and the defendant says AU, who has been  
15 identified previously as Khan, was in Wana.

16 What is Wana?

17 A. Wana is the capital of South Waziristan. It's a town  
18 that's just a few really miles away from the Afghan  
19 border. It's also the capital of the Pakistani  
20 Taliban-controlled territory.

21 Q. And can you put up Exhibit 4?

22 Just so you can use your laser pointer to point out the  
23 area that you are talking about?

24 A. Here you have got Islamabad. Peshawar is right  
25 here. Waziristan is this region right here. And Wana is



1 just about right there where that point is. It's just over  
2 the border. It's just across the border from the Paktika  
3 Province of Afghanistan.

4 Q. And you said the Pakistani Taliban has a presence  
5 there. The Pakistani Taliban, is that related to the  
6 Afghanistan Taliban?

7 A. Yeah. I mean, obviously they are Pakistanis and the  
8 Afghan Taliban are Afghans, but they work as part of one  
9 loosely-organized movement.

10 The Pakistani -- this is the headquarters of Pakistani  
11 Taliban, South Waziristan, and Wana is the capital. The  
12 Pakistani Taliban has helped send and recruit suicide bombers  
13 who have carried out attacks in this, right here, this  
14 province here, Paktika, also in Paktia a little further  
15 north. They have also carried out numerous attacks inside of  
16 Pakistan as part of the same cause as the Afghan Taliban.

17 Q. Okay. And we have heard a little bit of testimony  
18 previously about Waziristan and this Wana area. How safe is  
19 this Wana area for nonlocal people to go into and travel  
20 through even if you were from Pakistan?

21 A. Local or nonlocal, it's an extremely dangerous place to  
22 be. It is -- for lack of a better term, it's Indian  
23 country. This is an area that has been beyond the control of  
24 the Pakistani government for at least the last seven to eight  
25 years. It is firmly in the control of the Taliban.



1 Government institutions in this region exercise no  
2 control whatsoever, no police, no authority, no tribal  
3 police, period. It is firmly in control of the Pakistani  
4 Taliban.

5 Q. Now, I would like to go back to Exhibit 112 on page 15  
6 at 4:40 --

7 (Audio interference is heard.)

8 THE COURT: That means your time is up.

9 MS. COLLINS: It is after five, Your Honor.

10 THE COURT: I would like to know how much longer  
11 you think you have?

12 MS. COLLINS: Probably another twenty minutes,  
13 fifteen minutes. I have been trying to go as quickly as I  
14 can.

15 THE COURT: We have been going about an hour  
16 already.

17 What's the jury's preference? Would you like to  
18 complete at least the direct examination?

19 All right, let's complete the direct.

20 MS. COLLINS: Thank you. I will continue to go as  
21 quickly as I can.

22 BY MS. COLLINS:

23 Q. At time 4:40:39 to 4:41:03 at the bottom there, the  
24 defendant says:

25 And also our main last goal is to get with the



1           students. Man, the students are back with full  
2           force.

3           Is there a terrorist organization who in English means  
4           the students?

5           A. Yeah. The Arabic word is taliban. Talib is a student,  
6           and taliban are the students.

7           Q. And what was the status of the Taliban in 2005? It  
8           indicates it's back with full force.

9           A. Yeah, in 2005 the Taliban had made a major  
10          resurgence. Their very first videos of actual field  
11          operations of Afghan and Pakistani Taliban fighting U.S. and  
12          Afghan forces began surfacing then.

13          It was a major, major reemerging topic, especially in  
14          the world of jihadis and Mujahideen.

15          Q. And in addition to attacking coalition troops or -- or  
16          troops, were the Taliban also engaged in other types of  
17          attacks and activities during that time in 2005?

18          A. Oh, yeah. I mean, they were carrying out suicide  
19          bombings inside of Pakistan, they were carrying out missions  
20          inside of Afghanistan. They were pretty active.

21          Q. Were civilians being murdered in those operations?

22          A. Yes.

23          Q. Kidnappings?

24          A. Kidnappings, executions, assassinations. They used  
25          every single tactic.



1 Q. Now, in terms of recruits, if one wanted to join the  
2 Taliban at that time, did they -- were they also accepting  
3 recruits of nonlocal Afghanis?

4 A. Yes, but once again, they wanted to make sure that  
5 people were genuine.

6 But, yes, they were very eager to try to get people from  
7 outside of Pakistan and Afghanistan to join them in their  
8 mission.

9 Q. Now, earlier you talked about -- a little bit about  
10 Abu Musab al-Zarqawi and you mentioned Al-Qaeda in  
11 Iraq. Now, I would like to just talk a little bit about  
12 Al-Qaeda in Iraq.

13 Was it -- how did that organization -- how did that come  
14 to be founded, and did it develop?

15 A. Sure. Al-Qaeda in Iraq first began under another name.  
16 When Zarqawi first founded it, he wasn't officially with  
17 Bin Laden. Him and Bin Laden had a bit of a personality  
18 disagreement.

19 So initially he called this organization the Tawhid and  
20 Jihad Movement, and he founded this movement right after the  
21 U.S. invasion of Iraq. He saw the U.S. invasion as a great  
22 opportunity for him to establish himself as a commander.

23 In approximately October of 2004, Zarqawi eventually  
24 proved to Bin Laden that he was worthy of being part of  
25 Al-Qaeda. And so after some protracted negotiations,



1 Bin Laden and Zarqawi agreed to merge their two  
2 organizations, and Zarqawi changed the name of his group from  
3 the Tawhid and Jihad Movement to Al-Qaeda's Network in the  
4 Land of the Two Rivers, or Al-Qaeda's Network in  
5 Mesopotamia. Mesopotamia is the premodern term to refer to  
6 Iraq.

7 Q. Now, what -- in very general terms, what types of  
8 attacks was Zarqawi committing and where?

9 A. Zarqawi became famous primarily for carrying out suicide  
10 bombing attacks inside of Iraq, massive suicide car bombings  
11 and suicide bus bombing attacks targeting mosques, targeting  
12 U.S. forces, U.S. military forces, targeting the Iraqi  
13 government, Iraqi security forces, Shiites, anyone who  
14 opposed his mission or who he viewed as being unIslamic.

15 He also gained fame through the televised beheading of  
16 hostages who were kidnapped by the Tawhid -- well, Jihad  
17 Movement eventually known as Al-Qaeda.

18 Q. Now, when you specialize in suicide bombings, it seems  
19 that your membership would slowly dwindle over time. How was  
20 Zarqawi and Al-Qaeda in Iraq recruiting individuals?

21 A. Yeah, that was a problem, because in order to recruit --  
22 in order to carry out a number of suicide bombing missions on  
23 a regular basis, you need to have a bunch of recruits coming  
24 in, and they weren't getting enough Iraqis to sign up for  
25 these missions.



1           So they started aggressively encouraging foreign  
2 fighters, foreigners from Saudia Arabia, from Jordan, from  
3 North Africa, to come into Iraq and to serve as suicide  
4 bombers.

5           These young men for the most part were motivated by  
6 themselves. They weren't forced to do this. They were very  
7 eager to do this. And they traveled from Syria into northern  
8 Iraq near Mosul and eventually into places like Fallujah and  
9 Al Qa'im, and they served as the cannon fodder for Al-Qaeda's  
10 movement.

11           We know this because of the fact that Al-Qaeda has since  
12 released many videos of these missions, and they actually  
13 show the bombers themselves before they carry out missions,  
14 and they identified the bombers according to their place of  
15 origin.

16           And the vast majority of these bombers are not Iraqis.  
17 They are from places like Libya, Saudia Arabia, Yemen,  
18 Jordan, even Europe.

19 Q.   Now, what's the purpose in releasing videos of these  
20 bombings?

21 A.   The purpose was to encourage other people to do this and  
22 to terrify the opponents of Al-Qaeda.

23           I mean, the message was very clear. In perhaps the most  
24 famous of those videos, the video that's known as "The Battle  
25 of Omar Hadid," one of the bombers, a young Libyan guy,



1 actually says to the camera, I want anyone who is watching  
2 this CD, who is watching this video, to know that the only  
3 way we can undermine and assault and be victorious against  
4 the United States is through these martyrdom operations. So  
5 we must carry them out one after the next, and you should be  
6 a part of this too.

7 The idea was is that these messages that these men were  
8 carrying were meant to be direct messages to potential  
9 recruits saying, Come here, you will be among men of  
10 mountains, you will be a hero in the eyes of Islam, you will  
11 be famous.

12 And they did manage to convince many young men to follow  
13 them with that.

14 Q. Could we put up Exhibit 146, please?

15 This is a post by some 007 to the defendant. This URL  
16 that's in here, that "Omar Hadid," is that the video that you  
17 were just talking about?

18 A. That is, that's "The Battle of Omar Hadid," the video.

19 Q. Now, in 2005, where was Al-Qaeda in Iraq distributing  
20 these types of recruiting videos and materials that you have  
21 talked about?

22 A. Well, it depended. Throughout 2005 it changed. In the  
23 beginning of 2005 it was the Muntada Al-Ansar  
24 Forum. However, in approximately August of 2005, the Ansar  
25 Forum got knocked offline, it got permanently knocked



1 offline.

2 So then they moved on to another Arabic language  
3 discussion forum known as Al-Hesbah, H-e-s-b-a-h.

4 Q. And before, when it was still on the Ansar Forum --  
5 well, let me ask you this. Can we put up Exhibit 230?

6 This is a chat between the defendant and  
7 Younis Tsouli. On page two there are two URLs there. Was  
8 one of these for the Ansar Forum?

9 A. Well, those were -- I think it actually says, they are  
10 just temporary. It looked as though those were going to be  
11 for the Ansar Forum, but what those were actually used for  
12 were just to disseminate videos. They were used to host and  
13 disseminate very large-sized Al-Qaeda propaganda videos that  
14 they couldn't find anywhere else to host on the internet  
15 without the site getting shut down.

16 Q. Okay. And were you monitoring the Al-Ansar Forum while  
17 it was still active?

18 A. Both Al-Ansar and Al-Hesbah along with dozens of other  
19 forums.

20 Q. When Al-Qaeda in Iraq was still using the Al-Ansar Forum  
21 as its primary method of distributing materials, how did you  
22 know that those were authentic, how did you know that they  
23 were from Al-Qaeda in Iraq?

24 A. Well, they were being posted by an individual that was  
25 labeled Abu Maysarah al-Iraqi, that was his user name. And



1 in the beginning, people said, Well, how do we know that  
2 these communiques' are legitimate, how do we know that this  
3 is not just some fanatic on the internet posting whatever.  
4 It could be anybody.

5 And then in May of 2004, all of the sudden, Abu Maysarah  
6 al-Iraqi posted a video, an original video on the Al-Ansar  
7 Forum of the beheading of U.S. hostage Nicholas Berg. It was  
8 originally posted on the Ansar Forum, it was originally  
9 posted by Abu Maysarah al-Iraqi.

10 In the week subsequent to that, because of all the press  
11 coverage that Zarqawi got because of the Nick Berg beheading,  
12 there were a number of people who put out all these kind of  
13 crazy statements saying, Oh, I'm part of the Tawhid movement  
14 and I'm part of Zarqawi's group, and Al-Qaeda got mad.

15 So they issued an official statement saying the only  
16 person on the Ansar Forum -- or the only person right now on  
17 the Ansar Forum who is authorized to disseminate our  
18 materials is Abu Maysarah al-Iraqi. If it doesn't come  
19 through him, then it's not our stuff.

20 They were pretty angry about it actually.

21 Q. Now, while you are on the Al-Ansar Forum, were you  
22 familiar with the user who had the user name Irhabi 007?

23 A. Yes.

24 Q. He since has been identified in this trial as  
25 Younis Tsouli. What did you see the role of Irhabi 007 as on



1 the Al-Ansar Forum and how did it evolve over time?

2 A. Irhabi 007 started off as kind of what we've described  
3 as a fan boy, somebody who was going on and downloading all  
4 the videos, and as soon as the videos would get posted by  
5 Al-Qaeda, he would immediately post a reply message to the  
6 original posting, and he would include thumbnail images from  
7 the video. In other words, still images from the video along  
8 with other download links. He would take this file and he  
9 would immediately put it in five or six or seven other  
10 places. That way the first download link didn't get shut  
11 down, didn't go offline, made sure it was available for other  
12 people.

13 In the beginning it kind of seemed like he was doing  
14 this of his own accord. Nobody was telling him to do  
15 this. He was doing it because he wanted to do it.

16 But then over time, it seemed that essentially what  
17 happened was is that he became an official part of Al-Qaeda's  
18 distribution stream. Soon he was the one who was uploading  
19 the videos on behalf of Al-Qaeda and in some cases actually  
20 posting the messages on behalf of Al-Qaeda.

21 Apparently Al-Qaeda in Iraq made a decision that it was  
22 simply better to use him as their, you know, their official  
23 media guy on the internet.

24 And in fact, he did much more than just media. He also  
25 helped recruit people on the forum to go to Iraq and to



1     become suicide bombers on behalf of Al-Qaeda. He used the  
2     private messaging function on the forum in order to negotiate  
3     with people and set arrangements up with them so that they  
4     could come to Damascus, Syria, they would get met by an  
5     Al-Qaeda recruiter who Irhabi 007 was in contact with, and  
6     then this whole chain would take place, this person would  
7     then go in and carry out a mission.

8             MS. COLLINS: May I have a moment, Your Honor?

9     BY MS. COLLINS:

10    Q. Was Al-Ansar still active while Irhabi 007 was  
11    administering it?

12    A. Yes. I mean, he was the final administrator of the  
13    Al-Ansar Forum.

14             The Al-Ansar Forum disappeared for good in about  
15    September -- August or September of 2005. The last version  
16    of the forum was specifically created by Irhabi 007, was  
17    administered solely by Irhabi 007, and it was very clear  
18    because he said as much on the forum, as well as the fact  
19    that his was the only user which was marked system  
20    administrator under their profile.

21             MS. COLLINS: No further questions, Your Honor.

22             THE COURT: All right. Thank you.

23             I tried but was not successful in getting all of  
24    his testimony in, but I think this is a good time to break  
25    for the weekend. We will begin with Mr. Kohlmann's



1 cross-examination Monday morning at 9:00.

2 I told you when the trial started that my  
3 prediction was that you would have the case early in the  
4 second week. That is still my prediction. My belief is that  
5 you may have the case submitted to you as early as Monday,  
6 probably Tuesday, but you will be deliberating on the case in  
7 my estimation early next week.

8 So if that helps you plan. Of course I never know,  
9 and do not rush jury deliberations, and will never do that,  
10 but that at least gives you some time frame as to when you  
11 actually begin your deliberations, and how long it takes is  
12 totally up to you.

13 So with that you have a longer period of time,  
14 please don't let your guard down about talking about this  
15 case to anybody.

16 I will tell you that I have released certain  
17 information and evidence that has been presented in the case  
18 is available to the press, so there will be probably more  
19 reporting on it over the weekend. So I would ask you to be  
20 doubly careful to make sure you avoid any press reports of  
21 any kind, written or broadcast or any other information, or  
22 discussions among people about the case.

23 So if you will please do that, that is your  
24 obligation, we would appreciate it.

25 We will see you first thing Monday morning



1 beginning at 9:00. Have a good weekend.

2 (In open court without a jury present:)

3 THE COURT: We can release Mr. Kohlmann for the  
4 weekend, can't we?

5 Of course, because you are in the middle of your  
6 testimony, you should not discuss it with anybody. Have a  
7 good weekend, and we will see you beginning promptly at  
8 9:00.

9 THE WITNESS: Thank you, Your Honor.

10 THE COURT: All right. Is he the government's last  
11 witness?

12 MR. MCBURNEY: No, Judge. We have less than one  
13 half hour of direct exam broken across two more witnesses,  
14 and that's the end of the government's case in chief.

15 THE COURT: And who are they?

16 MR. MCBURNEY: We have Agent Richards coming back  
17 for less than ten minutes, and then Agent Wilz will be the  
18 final witness.

19 THE COURT: And then we go into the defense  
20 case. You still have two witnesses; is that correct?

21 MR. SADEQUEE: Yes.

22 THE COURT: And what is your estimate on direct  
23 examination of them?

24 MR. SADEQUEE: Maybe one hour maximum. Not more  
25 than one hour.



1           THE COURT: One hour a piece or one hour in the  
2 aggregate?

3           MR. SAMUEL: Mariam will take about an hour, and  
4 the other will be the same.

5           MR. SADEQUEE: Max one hour each probably.

6           THE COURT: So that really takes up at least the  
7 morning.

8           By the way that the examinations have come out,  
9 I suspect that we will be taking testimony most of Monday  
10 because we still have Mr. Kohlmann's cross-examination.

11           How long do you think his cross-examination will  
12 be?

13           MR. SADEQUEE: I don't expect it to be more than  
14 thirty minutes.

15           THE COURT: Okay. I'm just trying to think what  
16 makes sense charge conference-wise.

17           What I don't like -- because I think this charge  
18 conference will be longer than usual -- maybe not. I have  
19 actually taken and rewritten your suggestions and done it in  
20 a way that I'm more comfortable with, so you will be getting  
21 sometime Monday my revisions. And what -- it's just a  
22 different structure than you proposed.

23           And I will tell you what I have done is I don't  
24 like, because I don't think it works very well from my  
25 experience, to give a charge and say this applies to two



1 charges, so that you are taking a charge like on conspiracy  
2 and probably twenty-five minutes later they have to think  
3 back and say, Oh, okay, so, that's right, this is the charge,  
4 this is the third count, and I was told that that charge that  
5 I got twenty minutes ago now applies to this.

6 And while I think it's a little -- it's a lot  
7 redundant, I just repeat the charge on conspiracy and give  
8 total charges on each of the charges. So I'm in the process  
9 of having that redone.

10 There will be some discussion on the First  
11 Amendment charge and some other interesting issues.

12 MR. MCBURNEY: I assume there will be.

13 THE COURT: But I think that there is some unusual  
14 issues. My guess is the charge conference goes at least an  
15 hour, maybe an hour and a half. I don't think it will go two  
16 hours.

17 So I don't like -- you know, I hate to complete  
18 evidence and then have the jury have to wait an hour and a  
19 half or however long it takes to do the charge.

20 So I'm thinking that evidence will be in early to  
21 midafternoon. And then we probably ought to release the  
22 jury, have the charge conference. Then we are not rushed  
23 through it, you will know what the charge is so you can  
24 consider your closing statements.

25 Then we would bring them back first thing Tuesday



1 morning, start with the charge -- start with the closings and  
2 then charge them immediately, they begin deliberating  
3 immediately.

4 But my experience is that that's probably the most  
5 efficient way for them and for us.

6 Does that general structure seem to make sense to  
7 everybody?

8 MR. SADEQUEE: Yes.

9 MR. McBURNEY: Yes, sir.

10 THE COURT: I think it takes some of the pressure  
11 off the lawyers and off Mr. Sadequee to have the evening to  
12 think about what you are going to say.

13 MR. McBURNEY: We appreciate that.

14 THE COURT: Well, maybe I will change my mind.

15 MR. McBURNEY: I will do mine Monday afternoon.

16 THE COURT: Anything else we need to discuss before  
17 we break for the weekend?

18 MR. McBURNEY: Nothing from the government.

19 THE COURT: Mr. Sadequee, anything from you?

20 MR. SADEQUEE: No.

21 THE COURT: All right. And can we make sure we  
22 have Mr. Sadequee over here by 8:00 on Monday? Do we need to  
23 talk to the prison to make sure that happens?

24 THE MARSHAL: Will do.

25 THE COURT: The eternal optimist here.



1 MR. SAMUEL: He was close this morning.

2 THE COURT: Well, I think the Marshal Service is  
3 trying very hard to meet my expectations.

4 MR. SAMUEL: They always do. You know my problem,  
5 it's not with the marshals.

6 THE COURT: In the pipeline, it's not part of --  
7 I signed an order on your behalf.

8 MR. WAHID: I appreciate that, Your Honor.

9 THE COURT: So if there is nothing else, we will be  
10 adjourned. We will see you -- I want to begin promptly  
11 Monday morning at 9:00.

12 MR. WAHID: One thing. As standby counsel, if he's  
13 asked some items to be prepared for his closing  
14 exhibit-wise --

15 THE COURT: Can you help him?

16 MR. WAHID: Yes.

17 THE COURT: Yes, you may.

18 MR. NAHMIAS: If you need to reach Bureau of  
19 Prisons, I have a comprehensive list of emergency numbers  
20 now.

21 THE COURT: Thank you.

22 (Proceedings adjourn at 5:27 p.m.)  
23  
24  
25



## C E R T I F I C A T E

UNITED STATES OF AMERICA :  
:  
NORTHERN DISTRICT OF GEORGIA :

I, Nicholas A. Marrone, RMR, CRR, Official Court Reporter of the United States District Court for the Northern District of Georgia, do hereby certify that the foregoing 258 pages constitute a true transcript of proceedings had before the said Court, held in the city of Atlanta, Georgia, in the matter therein stated.

In testimony whereof, I hereunto set my hand on this, the 31st day of August, 2009.

*/s/ Nicholas A. Marrone*

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NICHOLAS A. MARRONE, RMR, CRR  
Registered Merit Reporter  
Certified Realtime Reporter  
Official Court Reporter  
Northern District of Georgia